LAW LIBRARY JOURNAL

VOLUME 46 MAY, 1953 No. 2

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PRESIDENT'S PAGE

The Forty-sixth Annual Meeting of the Association which will be held in Los Angeles from July 6 to 9, 1953 is of course the main topic of this, my last President's Page. However, before getting down to the Meeting proper I should like to tell you that the Law Librarians' Institute, about which you all received a notice and questionnaire, will be held in Los Angeles commencing on June 29 and extending through July 3, 1953. As of March 6, 56 librarians had indicated that they expect or hope to attend the Institute and this response clearly showed that the project is feasible. The University of California at Los Angeles and the American Association of Law Libraries are sponsoring the Institute and our own Miles O. Price will serve as Director. It will be held in the Law School of the University of California at Los Angeles. Book ordering, cataloging, continuation records, circulation routines, legal bibliography, book selection and philosophy of law librarianship are the subjects to be covered and the fee for the course will be 30 dollars. Those completing the Institute will receive an appropriate certificate, and more important, will greatly enrich their own professional training.

The Annual Meeting will be both interesting and instructive as you have already seen from the advance program mailed to you in January. I urge you to gather up your questions for the Monday afternoon session devoted to Questions and Answers on Law Library Problems. Marian Gallagher will serve as moderator, assisted by a panel of experts, and she would like to have you submit questions to her in advance of the Meeting so that answers can be prepared. Your questions should be addressed to Mrs. Marian Gallagher at the Law Library of the University of Washington, Seattle 5, and she requests you to send them in as soon as possible. Questions from the floor at the meeting will be most welcome. This will be a real opportunity to have your problems solved for you.

For the Annual Banquet the main speaker will be Erle Stanley Gardner, the famous lawyer-author, whose work with the Court of Last Resort has marked him as a man of great public service. His address will be long remembered by those who hear it. The Librarian of Congress, Dr. Luther Evans, has consented to address us at the opening luncheon and those of you who heard him at our New York Meeting in 1948 know that his talk will be stimulating to law librarians.

I could go on about the outstanding participants and events of the program; but I will leave that to the Local Arrangements Committee and will tell you instead a little about the law libraries of Los Angeles so that you can plan visits to them in connection with the Meeting.

There are three law school libraries which may prove of interest to you. The oldest is the Library of the School of Law of the University of Southern California which was established in 1901 and moved into its present quarters on the campus in 1926. The collection contains 70,000 volumes including all of the state reports and the various British materials from the yearbooks down to the reports of today. The aim of the library is to provide a working collection of law for students. The staff is composed of two professional librarians, two non-professionals, and student assistants.

Next in chronological order is the Library of Loyola University School of Law which was established in 1920. Its collection consists of 25,000 volumes of reports, statutes, periodicals and texts designed for student use. The youngest of the school libraries is that of the School of Law of the University of California at Los Angeles which commenced operations in 1949 in temporary buildings and moved into the new School of Law Building in 1951. In its short life the collection has grown to 75,000 volumes, mainly in Anglo-American law, and is still in the process of expansion. The library staff consists of five professional librarians, six non-professionals, and student assistants.

Among the law firm libraries in Los Angeles there are several which are notable. The

firm of O'Melveny & Myers has a collection of 14,000 bound volumes, 65 periodicals and 55 loose-leaf services. A full time professional librarian directs the research of the new associates and issues a library bulletin for the firm's 55 attorneys several times a month. Gibson, Dunn & Crutcher with 45 attorneys has a well rounded collection of 10,000 volumes. The firm of Loeb & Loeb has a 7,000 volume library. One of the most interesting private law libraries is that of the firm of Farrand & Farrand which contains an almost complete collection of early Spanish statutes and early editions of legal Californiana. The collection contains 12,000 volumes.

Last, but not least, is the Los Angeles County Law Library which contains over 256,000 volumes and which maintains five branches spread over the County. It is a public law library financed from a part of the filing fees of litigants in the courts of Los Angeles County and attempts to supply the needs not only of members of the Bar, but of persons doing every type of legal research. The foreign law collection of the library is outstanding and while the library makes no attempt to collect rare items purely for the sake of collecting, it does have approximately 5,000 rare volumes. Now located on two floors of the Hall of Records and in two buildings near the Civic Center, the library is building a new building of its own which will be completed about November 1, 1953. The staff consists of 13 professionals, 15 non-professionals, and part-time assistants.

Now a final word about this issue of the Law Library Journal. You will find several new features incorporated therein. First of all, in complying with several requests, a Questions and Answers section has been inaugurated which I hope will carry through many issues to come. Marian Gallagher is in charge of collecting the questions and soliciting the answers. You should feel free to address your questions (and your suggestions for answers) to her. Second, a series of biographical sketches of famous legal writers, librarians and publishers has been started with an article on St. George Tucker. I believe that all of our members will welcome this section, which owes its origin and initiation to Mary Anne Kernan, as a means of getting acquainted with or fortifying our knowledge of the life and work of personalities whose work has attained classic proportions. And third, Frances Farmer, our Secretary, has developed our Membership News from a recital of names and addresses into a live story which is likely to make the Journal a source of personal information between our annual meetings.

FORREST S. DRUMMOND

Fundamental Concepts of Law Librarianship

by LUCILE ELLIOTT, *Librarian*

University of North Carolina Law Library

If the truth were known, probably every university law librarian[1] is in quest of perfection which implies progressive development of excellent quality. Since perfection is not attainable, the process of forward movement must be the goal. These procedures are not taught in law schools or library schools, but are hewn out of long years of experience and are a kind of in-service training. They deal with the various elements of a library and their growth, planned with relative values in mind. In considering this matter there will be no splitting of hairs or dealing with abstractions. There will be no juggling of philosopher's special lingo: the spotlight of practicality will be trained on *the* law librarian not *a* law librarian,—a synthetic model constructed from those in the profession who have come nearest the ideal and have worked out some of the absolutes in a common-sense way.

The main factor of a law library is the librarian. No adequate definition of a law librarian has ever been offered. The law library has been called many times the laboratory or workshop of the law school. Some one has said it is "the life blood of the school." One has labeled it the "dynamo of the institution." A general librarian has been defined, too. Archibald MacLeish said that librarians are keepers also of the records of the human spirit—the records of men's watch upon the world and upon themselves."[2] It is common knowledge that the efforts of a law librarian are directed to the task of getting people and books together under the most favorable conditions for work. It is known that the profession offers unusual opportunities; opportunities circumscribed only by one's own limitations or those of the institution. Further, it is common knowledge that law librarians' relationships grow progressively more complex with the development of the library. If a wheel graph were drawn showing the librarian as the hub and all groups to whom he is obligated as spokes of the wheel, the radiations of duties would be surprisingly numerous. Some of the most important groups to be served are university administrators, main library heads, law school administrators, faculty of law schools, student body, law school legal bibliography class, faculty of the social science departments, students and research groups of the social

1. Throughout this article the terms *library* and *librarian* refer to those in a state university. The full title was too cumbersome for constant repetition.

2. *A Time to Speak* (New York, Houghton & Mifflin, 1941), p. 35.

science departments, special research groups in the law school, law library staff, alumni of the law school, bench and bar of the State, State and regional libraries individually and as organizations, and American Association of Law Libraries. There may be more or less as the local situation varies in numerous ways. If the librarian's duties and obligations to each could be defined in a succinct fashion it would serve a threefold purpose. It would attract "new blood" to the profession, that is, those who recognize the challenge, or it would serve as a "scare head" to those unfit prospective candidates who are looking for a routine job. It might even serve as a guide to the novices who have aptitude and ambition, but are ignorant of what is involved. Even if the philosophical essence of the job has not yet been expressed, the work can be analyzed into the elements that will be a part of the distillate if ever someone can extract it.

The master key to the problems of growth is in the keeping of the librarian, and his interpretation of his position in relation to those he serves, will determine his use of it. If he keeps reaching out for new groups, he will find that he has carried his service from the walls of his own institution to the far corners of the country and even beyond. Starting with those nearest and working to the more remote clientele, one comes first to his *staff*. If the chief librarian has carefully chosen the heads of the departments of his library, he shows wisdom by delegating a part of his own authority to plan, evaluate and formulate policies, to his assistants so that they may interpret their smaller jobs as a creative venture. It motivates their segment of the work, it develops their sense of responsibility, and it gives them an opportunity to develop their powers. On the other hand, it liberates the head for an overall job. He can stand at the center of his organization in close touch with each individual, constantly demanding performance of high caliber from the whole staff.

The crux of his debt to *readers*, one and all, lies in the collection of materials he offers. He must offer a library built on a solid framework of official documents and their indexes, filled in with every type of commentary both early and up to date. There must be available the literature that is designed to improve the profession in all its fields. Along with this he must give the maximum freedom so that there are no barriers to books. If local conditions are favorable, the reading rooms and major portions of stacks should never be closed. All indexes to the collection must be at hand and all new and obscure material brought out and displayed in some fashion. Late experiments in some of the larger schools indicate that readers are much more responsible than the average law librarian considers them to be. This freedom has a two-way advantage. It expedites the client's work as he becomes more self-reliant, and it reduces the service to be given by the desk group, which is usually limited.

To the *faculty* the librarian stands as educator-colleague. This relationship comes about not because he is

a teacher,—though he is constantly instructing his staff and frequently the students in Legal Bibliography,—but because he serves as scout for them, as a sort of intelligence officer. Across his desk and his alone pass all the worthwhile new publications in law. From these he gleans new ideas and routes them to the proper person whether it is Dean or student. He pioneers and spots new items that will refresh old courses. From his advanced position he senses new subjects creeping into law and new trends in legal education. He knows when the curricula of the forward-looking schools are being revamped, when new methods of instruction are first being employed and what new teaching materials are being used. At the first sign he starts a two-way activity. He feeds this advance information back to the teaching staff and starts his own building campaign, for he is aware that it is too late to start to build when others become aware of the need. When his own school is ready to revise the course of study, he is prepared to offer bibliographies, new material and equipment for the new subjects.

An extra service is due the *scholars* who come for research. Carl White has said in his recent speech at the University of North Carolina that "a librarian stands as companion and guide" to those who are plumbing the depths of library material. It is possible in many cases for the one who knows the collection best to add quality to the project and carry the research further than the researcher had ever planned. This takes some thought and study on the librarian's part but participation is possible if the librarian is willing to do what it takes to gain a grasp of the subject, to formulate bibliographies and then to seek out the meatiest material that exists.

A law librarian is indebted to all *administrators* who touch his work. He is obliged to catch step with the leaders and fashion his plans by theirs. He looks to their big purposes to discover what policies control their planning. Once determined, his own blue print for the future can be sketched. An illustration will serve to clarify the scheme. One university's avowed function is to make the institution the center of the State's cultural life. Books, art, music, courses, and lectures go to the far corners of the State. The main library of the school has set up an Extension Division which does thriving business in sending books all over the State. The law school administrators of that same university have an alumni association that is organized to give and get help from the law school. Viewing this setup makes it obvious what the dimensions of the law library's service should be. Statewide service is the only logical goal. This falling in line all along the way pushes back the horizon and launches the work on a broad scale which is impossible if the law librarian keeps his eyes focused on the inside and concentrates on just "priming the parish pump."

Along this same line, the librarian of necessity measures swords with the *business managers* of the university. He is obliged to rise to heights of the professionally trained business staff. Much money passes through his hands

and many complex business situations arise. He must be skilled at getting full value for his dollars. He ponders such questions as: will it be possible to balance the books (ledger)? What free balance exists? What is a well balanced book budget? What proportion of the appropriation should be allocated to new acquisitions, continuations, binding, wages and salaries? What percentage must be saved for maintenance? What company gives the best discounts, pays transportation charges and delivers books in the best condition? What is the value of a rare book or a complete second hand library? What is the wage and salary scale in a certain locale? What does it cost to put a book on the shelf? Which is more costly the book or the wages of the processor? What saving is effected by setting up a repair room as compared with the charges of a commercial binder? What insurance will cover the State's investment in the book collection? In enlarging the library, what plans, furnishings and decorations are within the State's means and how can the contract be worded so that the right company will get the bid? Through the years in learning the answers to these questions the librarian becomes a practical economist and an accountant. If he is teachable, he finds that his work has offered a cross-section of practically all usual business dealings.

All things being equal, at a certain stage in the development of his own institution, a librarian can raise his eyes to his neighbor's libraries. With these he can join forces for reciprocal service by exchanging information, setting up interlibrary loans, requesting and giving use of library facilities and by cooperating in the development of special materials for economy's sake. He thus enlarges his collection to the size of all cooperating libraries and practices the strictest economy by developing only the materials that fit into the scheme of the neighborhood aggregate collection.

Finally if a law librarian sees through to the limit of the possibilities for broad service he will take seriously Theodore Roosevelt's admonition that everyone owes something to his profession. It is in making substantial contributions to the *national group* that he carries his library's resources and influence to the widest area possible. It is not intimated that a librarian should wait until conditions are perfect at home before he links up with the largest organization. On the contrary, much is to be gained by that association: visits to other libraries, contacts with those mature in the profession, and committee work are open to all, for inspiration and mutual benefit. To a great extent it is out of this that a young librarian molds many of his standards and cuts his patterns, but those librarians who are free from routine work have more opportunities to concentrate on a substantial amount of creative work. It is almost impossible to evaluate the gains from this experience. To the three-degree university law librarians, this is practically the only professional training that is available since there are no post graduate courses offered to law librarians, there are no continuing law librarian's educational programs, there have been to date no periodic institutes designed to

carry those in service to broader understanding of his profession. The American Association of Law Libraries is the training school for those who feel their own limitations. But the librarian's build-up is not the only advantage. The practical help that comes to the library is as valuable. From many a meeting of the Association have come ideas for operating the library that were worth far more than the travel expenses of the librarian.

The possibilities of ever broadening circles of service challenges a librarian to reach out and out from his own staff to the profession as a whole which is the most distant clientele that is possible. The university encourages it, the State needs it, his section of the country is calling for help, and the national group is depending on its members to act as levers to boost the whole body.

But a librarian in this ambition must not lose his professional equilibrium. There are other considerations. He must not seek growth at any cost. It is true that if a university law librarian lives up to all the responsibilities imposed by a broadening clientele one kind of growth will follow, but growth can get out of hand. Development of this kind is not enough. Bigness can be a curse also in a library. It must be balanced growth. Proportion is the aim. Quality that comes from equality is much more sensible. Every element of a library must grow simultaneously. The over-development of one will pose serious problems, particularly if that over-developed element is the clientele.

To determine the character of the institution to be developed—whether a school, university or general research library, it is first necessary to examine the various factors of the school—size of student body and faculty, character of courses given, research undertaken and outside commitments—and all have to be weighed in the balance against the elements of the library which are capable of growth, that is the building, the book collection and the staff. By staff is meant a professionally trained group complete in every section, that is administrator, service group, technicians and non-professional housekeeping groups. The work of analyzing, weighing, evaluating and comparing is a complicated process and is therefore a specialist's job. Some of the elements are more readily obtained than others because legislators and administrators can see the necessity for books and building (they regularly raise the appropriation for new material), but cannot comprehend the importance of a technically trained staff. Sometimes it is easier to get a new building—sometimes the collection grows from the lowest to the highest brackets before a cataloger or other technicians can be added to the staff. If money has been provided for student wages, the budget makers are satisfied that the library is prepared for heavy service though the main library of the same institution would be considered unmanned without the intermediate professionals who prepare the books for use. They do not and cannot understand the backstage work that is necessary to run a library. They are totally unaware of

what it costs in money and in human effort to put a book on the shelf. This is where the organization becomes out of proportion. This is where the librarian steps into the situation to hold a balance. As long as he hasn't a staff especially trained to handle the flow of work, he should restrict service to the capacity of his staff. He should agree to handle only the minimum load, which is the school group, and refuse to include outsiders, either university or State clientele, until he has a normal organization.

There is one reasonable exception to the stated policy. It is unwise to wait to purchase books and materials until the staff or building is provided even if they cannot be processed or shelved satisfactorily because years may pass by and there is the chance that valuable material will become out of print and unobtainable. To that extent the allocators are right.

Today the newly formulated law school curricula include projects, such as writing courses, seminars, arguments and competition briefs, that are transforming the schools into hundred-percent research institutions. This trend forces the university law library into becoming a research institution. A research library demands a technically trained staff that furnishes for clients proper self-help tools such as card catalogs. The cataloging has lengthy roots of previous preparation. A research library demands also a research collection. Skilled desk help must be available to service it. The university budget makers are seeing the light of this logic and are joining forces with the librarians to secure the trained staff. Never again will it be so hard to secure a complete coterie of professional helpers. If the staff and collection can become adequate for the school's research program, great vistas open up. Soon service can be offered on a broad scale. In the future, librarians are going to find that instead of holding back their institutions, they can more freely plan expansion programs because their libraries are scaled to the level of the research task.

It is possible that there has never been a successful law librarian who did not constantly struggle to rise above the daily grind for perspective. He strains to reach high enough to see his library as a whole and in comparison with those who have approached more nearly the objectives he is seeking. From this detached position he locates his "yardsticks" and constructs his frames of reference which change as he lifts his library to the level of the standard.

It is from these heights of objectivity, too, that a librarian gains a grander perspective—a perspective of another dimension. Today much is being written and said about the spiritual values inherent in the legal profession. Much emphasis is being placed on the significance of lawyers and legal scholars in the war between the forces of law and tyranny. The supporting part that the librarians are playing in vitalizing that profession with mental nourishment, has not yet been sufficiently spotlighted. It is the task of those who have comprehended this identity to declare it with sureness for the sake of those who follow that they may see clearly from the first that they are a part of

an extensive work and of a high calling. It is imperative that this generation illuminate with pride these deeper meanings, so that we may say (paraphrasing Will Durant):

Grow strong, our comrades, that you may stand
Unshaken when we fall; that we may know
That shattered fragments of our work will come
At last to finer melody in you,
That we may tell ourselves that you begin
Where passing we leave off; and fathom more.

Law Library Administration—A Functional Approach

by EARL C. BORGESON, *Assistant Librarian*
Harvard Law Library

Service is the objective of law library organization and operation plans. It can not be achieved by a reference librarian alone; nor can it be achieved by a catalog librarian alone. Some organized effort is required. Administration is that liaison force that gears one activity with another, and supplies the impetus where individual activities falter. Hence, the first administrative problem is the effective organization of the law library.

There are several fundamental concepts that guide the law librarian in matters of administration. One of the first, is to realize the nature of this "service unit" which we call the law library. Is it a library in the same sense of the word as the local public library, or is it akin to the scientist's laboratory? Though no great volume of material has been presented, it seems to be the accepted viewpoint that the law library is a laboratory.

If one will reflect for a moment, it is clear that the nature of law materials creates a reference collection. Therefore, its use is different, and accordingly, the meaning of service is different. Whether the user is a student, practitioner, or scholar, he is always searching to establish the validity of a proposition, or to record anew its development. He is seldom reading for relaxation or for his own cultural development. It is in that manner that the law is learned, it is in that manner that the law is applied to problems, and it is in that manner that the law progresses. The public law library and the law office library reflect no significant difference in organization because their area of service is unlike that of the law school library. The environment may influence operations, but not organization. The nature of law materials and the nature of the demand for service determines law library organization.

Before going on, it is important to distinguish the terms *organization* and *operation*. Organization is the placing of the abstract concepts of service into their relative positions in a framework or pattern, which will guide the actual operations, or performance of those services. Whatever the basis of the arrangement might be, the over-all planning and the execution of the plans are distinct processes.

There is one word of caution—administration will here be visualized in its broadest concepts. The more detailed the analysis, the closer one approaches job description and actual operations. The latter is not the present objective. Rather, the objective

is to offer a picture of the functional organization of a law library. The following comments apply to all law library situations, whether it be a one-man or a departmentalized law library.

The cardinal principle to keep in sight is that organization must be simple. The span of control must be narrow if the organization is to be effective in its operations. Such is the advantage of functional organization.

In a law library, three areas of effort combine to render service: administration, technical processing, and public service. The logical basis underlying this division is evident from the route which library materials take from their presence on the market to their ultimate position in the library available for use.

ADMINISTRATION

The purpose of administration is to coordinate the efforts of the entire organization and to give effect to library policy in relation to persons and activities that are not part of the library organization.

This function breaks down into four sub-divisions: management, fiscal, personnel, and property controls. Management is exercised, as in any business undertaking, to maintain harmony within the organization, to direct all efforts toward the common goal—service, and to stimulate good public relations. Fiscal controls are exercised over all matters of budget, fund raising, and expenditures. Personnel provides the staff and welds it into an efficient and congenial unit. Property controls provide the inventory of supplies, equipment, work-space, and housing-space for the performance of library activities.

TECHNICAL PROCESSING

The second function, technical processing, is charged with the responsibility of purchasing, recording, processing, and shelving the book itself. For convenience, there are three divisions: acquisition, cataloging, and processing.

Acquisition

Book buying has been much discussed, from selection to dealer relations. Generally speaking, the subdivision here is almost chronological: selection, recording, and a necessary companion, the handling of duplicates.

Selection is the process of evaluating advertisements and catalogs with reference to present holdings and the objectives of collection development. Its functional limits are clear. The placing of orders to the closing notation of their receipt is also readily isolated. Each transaction must have a complete business record. The earlier duplication is discovered, the less time, money, and effort is wasted on intervening procedures. This is a logical place for the separation and disposal of the duplicates, and the transfer of the balance to the next technical process.

Cataloging

The sub-divisions of cataloging and classification have been much discussed also. Let it suffice to say that this function prepares the permanent records necessary for the use of the book. By cataloging, each item is

clearly identified so as to be distinguished from any other item in the entire collection. Furthermore, its contents are noted to provide an index to all books by subject. By classifying, each item is labeled so as to place it, as a book, into its relative position on the shelves according to subject.

Processing

All that remains is to provide for the physical conditioning of the book. Sub-dividing may not seem practical, for the description of the function is not much different from that of the operation. It does seem feasible though, to present them as: binding, processing, and shelving. The decision to bind may be made prior to this in point of time, yet the handling of the book and the recording of its temporary location warrant separate attention. Processing is the odd-job function of physical preparation short of binding. Shelving, of course, is the final step of locating the book in its proper place in the stacks.

PUBLIC SERVICE

The third function, making use of the collection and the records related thereto, is charged with the responsibility of bringing the book and the user together. The entire library organization is dependent upon the ingenuity and industry with which this function is carried out. The reference division must offer bibliographic assistance and reference assistance. The latter lies somewhere between information as to the location of a book and the practice of law. The educational aspects of library service probably require at least impromptu lectures on the techniques of legal research. The circulation division is the final piece to be inserted into this pattern. It is the piece that is responsible for bringing the books from, and returning the books to, the shelves. More important, the records of the temporary location of volumes absent from their regular place on the stacks are evidence of the use and of satisfying the demands which are made of the library. That is but one measure of the success and effectiveness of the organization plan.

This is but a starting point. This is the forest, not the trees. The imagination and the common sense of each law librarian will complete the detailed picture of his own organization. Each function, division, and sub-division can be expanded into a great variety of specific operations. Each operation can, then, be stated in terms of job descriptions. The collection of data and its objective evaluation will invite the use of time—motion studies, work flow charts, and similar devices of the industrial engineer or management engineer. It is not impossible for the law librarian to become his own expert. If, upon a general analysis of his concept of an ideal organization, he will superimpose his concepts of specific operations, and upon that, his detailed results of studies of his present organization, the areas of conflict will be evident. By a concerted effort, within the limits of time and resources, the most effective organization will be realized, and with it, the law library's objective of service.

Questions and Answers

Compiled by MARIAN G. GALLAGHER, *Librarian*
University of Washington Law Library

This first issue of the Journal's Question and Answer section is the outgrowth of Josephine Smith's suggestions to the 1952 annual meeting. There are two essentials to the section's becoming a regular feature: interesting questions and informative answers, and we hope our readers will contribute freely to both.

The editors, with the assistance of the Subcommittee on Law Library Problems of the Committee on Cooperation with the Association of American Law Schools, will attempt to find answers to questions regardless of their suitability for publication, and questions which seem to need immediate replies will be answered by mail prior to publication in the Journal. Address them to Marian G. Gallagher, Law Librarian, University of Washington Law Library, Seattle 5, Washington.

We are grateful to the following law librarians for advice on the problems presented in this issue:

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Also Maud Moseley and Marguerite Putnam, of the University of Washington Library staff, and Diana Priestly, Law Librarianship student, University of Washington, deserve our thanks for their cooperation.

1

Question:

We have some incomplete volumes of periodicals; it may take years to obtain the wanting issues. How can I make these volumes available to our readers without binding them until they are complete?

Answer:

You might hold the issues together with plastic paste which is sold by most library supply houses. In this way, the incomplete volumes are

bound temporarily. Then, put these volumes into pamphlet boxes, Magafiles or Princeton binders.

2

Question:

In some of our volumes a few pages are missing or in poor shape. Otherwise, the volumes are in good condition. I hate to spend my limited funds on the replacement of these volumes. What do other librarians who are in the same predicament do?

Answer:

Many publishers will send you the pages or signatures (16 pages) which you need, either free of charge or for a nominal price. You can trim these pages or signatures and tip them into your volumes.

Or, if the book is a court report or other uncopyrighted material, you may arrange with another library to obtain photostatic copies of your defective pages.

3

Question:

What do you do when leather labels on Reports need replacement? Can one buy such labels?

Answer:

Your binder can copy the original labels—send him a sample volume with label still intact, and a list of needed lettering for the other volumes.

4

Question:

Recently we obtained a volume in photostatic form. The photostats came in loose sheets. My binder tells me that binding would be expensive and unsatisfactory because the paper would not lie flat when the volume is opened. What do you suggest I do?

Answer:

Have the volume bound in a spiral binder. You will probably find some spiral binding specialists listed in the yellow pages of your telephone directory.

5

Question:

Can you recommend a good typewriter card holder? Those which I have used leave a line on top of the card or are so close to the typing surface that the type hits the holder and gets ruined thereby.

Answer:

Most librarians whom we have consulted prefer the type which holds the card at the bottom; it allows typing to extend farther down on the card, and provides more space and cleaner typing at the top of printed cards. New model typewriters have card holders built into the platen with added attachments, like the Remington Rand card platen, and the Royal card cylinder with card holding plate and conical roll card guide (this latter combination allows typing farther down on the card than some other brands). We may be in the minority on this, but we are sorry to see the passing of the old-fashioned metal strip, which hooked over a special roller and was not only easier to remove for plain typing, but seemed to do a better job of card-holding

than the new removable platens. If your typewriter isn't too new, perhaps you can get one.

6

Question:

Do you bind the Federal Register?

Answer:

Yes. To discard it would be like throwing away session laws antedating a state code; it is difficult to use and preserve unbound issues, and the quality of the paper makes the microcard edition rather fuzzy.

7

Question:

Do you know of any way to eliminate the miserable task of tying catalog cards together?

Answer:

Try Premier Paper Clip Holder, U-File-M Binder, Syracuse, New York. It's recommended by the Indiana University Law Library.

8

Question:

Is there a checklist of Railroad and Warehouse Commission Opinions, and/or Public Utility and Public Service Commission Opinions, or the reports of that type of commission, with indication as to which volumes contain opinions?

Answer:

We do not know of a complete checklist. Hicks, *Materials and Methods of Legal Research,* 3d ed., includes in the List of American Law Reports, administrative tribunals whose opinions are published, with number of volumes and dates of coverage, to 1942. Earl Borgeson, Assistant Librarian at Harvard Law Library, tells us that a student there, in connection with the course in public utilities, once made a listing of the Harvard holdings, noting which volumes contained reports, opinions, indexes, tables of cases, etc. R. Paul Burton, Law Librarian at the University of Utah, and John C. Leary, Law Librarian at Stanford, in 1951 made the same type of listings for sixteen states. These gentlemen have agreed to coordinate their lists, and librarians in various states have promised to cooperate, so there is hope that a complete checklist will be forthcoming.

9

Question:

Do you know of anyone who has kept Morse's *Checklist of Attorney General Opinions* (30 Law Library Journal 39-247, 1937) up to date?

Answer:

Mr. Lewis Morse, Law Librarian at Cornell, is preparing for publication a supplement to his checklist.

10

Question:

In our state statutes we find citations to unpublished Attorney General Opinions. Isn't this a great annoyance and inconvenience to people who do not have easy access to the Attorney General's office?

Answer:

We consulted 25 librarians about this, and found 7 who noticed only

the inconvenience and annoyance. The rest of them believe that half a loaf is better than none. If an opinion will shed any light on the statute, its existence should be made known. It is often possible to obtain a copy, photostat, processed, or typed, by writing to the particular Attorney General's office.

11

Question:

Please tell me where I can find life expectancy tables.

Answer:

At decennial ages, *Encyclopedia Britannica,* vol. 8, "Expectation of Life."

At quintennial ages, *World Almanac,* 1953 edition, p. 442.

At annual ages, *Corpus Juris Secundum,* "Mortality Tables," v. 58, p. 1212.

At one-half years, with many details as to countries, races, one of the 1940 Census volumes: Greville, Thomas N., *U. S. Life Tables and Actuarial Tables,* 1939-1941, published 1946.

12

Question:

Is there an index of bibliographies of legal subjects?

Answer:

The *Index to Legal Periodicals* indexes under "Bibliography" checklists and articles which deal primarily with the literature of particular subjects, and sometimes repeats the entries under the appropriate subject headings.

H. W. Wilson's *Bibliographic Index* might be used to supplement the *Index to Legal Periodicals.* It indexes a few legal bibliographies found in non-legal sources, but the bulk of its entries, from the *Law Library Journal,* are duplicated in the *Index to Legal Periodicals.*

Friend, William L., *Anglo-American Legal Bibliographies, an Annotated Guide,* Government Printing Office, 1944, (still in print as of June 1952) notes checklists, bibliographical collections, except statutory, and a few subject bibliographies. Some libraries keep the Friend volume up to date by interleaving references to bibliographies published in the *Law Library Journal* and legal periodicals, and pamphlet editions like those issued by the Louisiana and Ohio State law libraries. We at the University of Washington do not guarantee the comprehensiveness of our interleaving, but we should be glad to lend our copy for short intervals to libraries interested in copying the additions.

Statute bibliographies are described in Keitt, Lawrence, *An Annotated Bibliography of Bibliographies of Statutory Materials of the United States,* Harvard University Press, 1934.

13

Question:

Could the Superintendent of Documents classification number be added to Library of Congres catalog cards, perhaps just above the card number? It would be useful in identifying items noted on proof slips as well as serving as a cataloging aid for those who shelve by Superintendent of Documents classification.

Answer:

We told our consultants that we think this is up to the Library of Congress and that we have no plans for asking them to do it. Three think it is a good suggestion, but doubt that the Library of Congress would do it; 15 say "it's a good idea, let's ask them." And 9 do not see the need for it. If there are leaders among those 15, something may come of the suggestion.

14

Question:

Where can I buy binders for Advance Sheets?

Answer:

Library Bureau of Remington Rand, Catalog no. 1984 (Rods, no laces).

Gaylord Brothers, Inc., 155 Gifford Street, Syracuse, New York, or 29 N. Aurora Street, Stockton, Californa. (Catalog no. 53, 1953-54, Rod Binders, p. 49, or Multi-binders, p. 47).

Demco Library Supplies, Madison 3, Wisconsin, or New Haven 2, Connecticut. Tie Binders with laces (Catalog no. 50, p. 46).

C. E. Sheppard Co., 44-01 21st Street, Long Island City 1, New York.

15

Question:

Let's have a discussion of the relative merits of bound U. S. Supreme Court Records and Briefs vs. Microcard editions.

Answer:

Since only 22 libraries outside the District of Columbia are in position to choose, this is, for most of our readers, a moot question. General discussion of print vs. microcards can be found in:

Rider, Fremont. "Microcards and Legal Materials," 39 Law Library Journal 42-45 (1946).

Merryman, John Henry. "Legal Research Without Books," 44 Law Library Journal 7-11 (1951).

Teiser, Sidney. Law Books of Tomorrow; a Complete Library on a Five Foot Shelf," 38 American Bar Association Journal 378-382 (1952).

Mrs. Huberta Prince, Army Librarian, sent me a very illuminating statement addressed to the specific problem, which I shall be glad to forward to librarians requesting it.

Our inquiries to the consultants revealed a general pattern of patrons preferring printed papers and librarians preferring whatever they can get. Exceptions are one library reporting collections of microcard, microfilm, and printed briefs (although not included in the list of depository libraries), and preferring microfilm (which is no longer available), and one librarian who has the printed collection and recommends acquisition of the microcards in addition, for lending.

Libraries which became depositories too late to receive the records, and get only the briefs, may also want to purchase the microcard set for the records, which are not sold separately from the briefs. They would also retain their printed sets, since the microcard edition supplies briefs and papers only for "full court opinion" cases.

St. George Tucker

A Biographical Sketch

by MARY ANNE KERNAN, *Librarian*
Emory University Law Library

From the coral strands of Bermuda to the box-bordered walks of Williamsburg there came in 1772 a young man who within a generation won the fitting appellation of "the American Blackstone." St. George Tucker, founder of one of the deservedly renowned families of Virginia, pursued a career as lawyer, soldier, judge, law professor, and public servant, but his lasting reputation resides chiefly on his edition of Blackstone's *Commentaries*.[1] Issued in 1803, this work marked the first serious consideration given to differences between American and English law and contained a unique and astute analysis of the federal Constitution, a field well-ploughed since but virtually virgin then.

Tucker's life covered a long span of years in one of the most interesting periods in our country's history. Though born in Bermuda in 1752, he came to America before the Revolution and participated in many of the formative activities of the new Republic. His was a useful and fortunate life ended at the age of 75. By steady industry, unselfish public service, and an equable, friendly personality, he made a significant place for himself. No giant, he worked in the shadow of tremendous giants and made a quiet and lasting contribution to the legal profession. It is as a writer that he is chiefly noteworthy today, but this sketch will be devoted primarily to a biographical survey of the man's life. His eminence as a legal writer furnishes the justification for this brief exposition of some of the details of his life—details which may illuminate his writings.

Material on St. George Tucker, while not overly abundant, is hardly scanty. Fortunately for those interested, men of Tucker's day appear not to have disliked letter writing, and corresponded widely with members of the family and friends. Notebooks and journals were kept in sometimes tedious detail, and private excursions into belles-lettres were preserved with care. Tucker was no exception: much of the source material on his life exists in such form, handed down through members of the family, with a large collection now in the library of the College of William and Mary and in Colonial Williamsburg, Inc.[2] The purpose of this sketch will be simply to draw together material from

1. Blackstone's COMMENTARIES (Philadelphia, Birch, 1803), 5v.

2. Manuscript Collections at the Library of College of William and Mary and Colonial Williamsburg, Inc.

the existing sources in outlining a portrait. The point of view is non-critical, but even slight acquaintance with the man cannot fail to evoke a quiet admiration for this figure of varied accomplishments, rightly entitled to be called "a gentleman and a scholar."

Port Royal, Bermuda, was the birthplace of St. George Tucker on June 9, 1752 (o.s.). His parents were Henry and Ann (Butterfield) Tucker, who seem to have made St. George, their youngest child, the favorite of their six children. He spent a pleasant childhood, shadowed only by his own and his father's ambition to have him study law at the Inns of Court and Chancery. Lack of money at the appropriate time made it impossible for St. George to go to London, so his father sent him instead to study under the rector of St. Peter's Church in Port Royal, the Reverend Mr. Richardson. In a year or so he was placed with his uncle, Mr. Slater, to read law, but because he was unhappy and discontented here, it was arranged that he should go to Virginia.

The youth of nineteen landed at New York on October 27, 1771 and proceeded eventually to Williamsburg, not, however, without an interesting stop-over in Philadelphia. Here he conducted an unsuccessful courtship for the hand of "Eliza," the daughter of a wealthy lawyer of the city. The affair reached such a pitch that St. George even published verses to his love in the Philadelphia newspapers before tearing himself away to pursue his studies.[3]

St. George's father was not sparing in his advice to his son during these gay and frivolous days of his youth. On one occasion he warned St. George of the danger of indulging "that wit and absurdity which had always so delighted his familiar friends."[4] And apparently even after St. George settled down to a course of study at William and Mary the parental hand attempted to continue guidance. The elder Mr. Tucker's estimate of pre-legal education seems to us today a strangely limited one. Impatience over St. George's progress in law studies provoked this comment:

> I did not expect that you would have entered upon an Academical Education, a little Logick, Rhetorick & a small Notion of Mathematicks are all that ever can be necessary for one that is to study the law.[5]

Soon thereafter the erring son began to study common law with George Wythe, the celebrated innovator of legal education in the colonies. He acted as a kind of clerk to Mr. Wythe, and was afforded the use of the learned man's library. In 1774 he passed the examination set him by Mr. Wythe and was admitted to the bar. His opportunity to practice law, however, was limited by the chaotic conditions of the country, and so at his father's request St. George returned to Bermuda in 1775. Here he practiced law and looked after the shipping interests of his father.

The Tuckers were in complete sympathy with the colonists, and with the help of his father, St. George engaged in some useful and exciting supply expeditions for the Revolu-

3. Coleman, M. H., ST. GEORGE TUCKER (Richmond, Dietz, 1938), p. 16.

4. *Ibid.*, p. 15.

5. *Ibid.*, p. 22.

tionary forces. He procured gunpowder from Bermuda and brought it to Virginia. Thereafter he made several trips to the West Indies for salt, and on one occasion to sell indigo. This last enterprise involved him in an unpleasant encounter with Governor Patrick Henry. When Tucker reported to the Governor on the success of the expedition, Henry did not ask him to be seated and berated him, moreover, for taking too low a price for the indigo.[6] This unpleasantness, though long remembered, did not prevent Tucker from according Henry his full due as an orator. He reported, on hearing the speech in the Virginia Convention at St. John's Church, Richmond, in 1776:

> . . . words are perfectly inadequate to describe the wonderful exhibition of power and of eloquence . . . I believe that nothing has ever excelled it, and nothing has ever equaled it in its power and effect.[7]

Tucker's services to the colonists, his acquaintances with many leading men of the day, as well as his urbane manner and affable character, brought him a military appointment as Colonel of the Chesterfield County militia. He shared the fortunes of war from the Spring of 1779, when the British were at Portsmouth, to the surrender of Cornwallis at Yorktown in the Fall of 1781. Through these eventful years Tucker wrote interesting and descriptive letters which give a vivid picture of military life of the day. He was wounded in the battle of Guilford Court House, was later elevated to a Lieutenant-colonelcy of a troop of horse, and participated in the siege of Yorktown, where he was again wounded.

He seems to have been much stimulated by the contacts he made in these days: Von Steuben, Lafayette, Washington, and a variety of French officers. One of these officers, the Vicomte de Pontevés Gien, became a real friend and apparently gave Tucker a number of French books.[8] In one entertaining letter to his wife, Tucker describes the feather headdress of a fellow Colonel:

> I will venture to affirm that all the ostriches that ever appeared on the table of Heliogabalus would be insufficient to furnish the whole army in the same profuse style. They put me in mind of the army marching on Dunsinane when mistaken by Macbeth for Birnam Wood: for the feathers appear before you can well discover the shoulders to which the head that supports them is annexed.[9]

His wife in a playful reply suggests, "I think you were better fitted for associating with the small beavers than with the ostriches."[10]

Tucker kept a detailed diary of the closing campaign from September 28 to October 19, 1781, ending with an enthusiastic account of the surrender of Cornwallis, an event so moving that only poetry seemed a fitting conclusion. The poem recorded here at the end of the diary is, as are many of his, so laden with sentiment and rhetorical figures that it scarcely manages to reach even the lower realms of occasional verse. But the war was not won with poetry, and St. George did not expect to make his reputation

6. Tucker, H. St. G., PATRICK HENRY AND ST. GEORGE TUCKER, 67 *University of Pennsylvania Law Review* 72 (1919).
7. *Ibid.*
8. Coleman, *op. cit.*, p. 62.
9. *Ibid.*, p. 63.
10. *Ibid.*, p. 64.

as a creative artist! This kind of expression serves simply to show another side of the man's personality and to demonstrate his deep feeling for the fate of the colonies. The times that tried men's souls were stirring days, and a triumphant conclusion to the War of the Revolution could hardly fail to evoke poetry from a sensitive man,—mediocre though the poetry was.

The warmth of his personality and sturdiness of character are also seen in his family relationships. Family affairs assumed great importance in Tucker's life, and he appears to have been a devoted husband and admirable father and step-father. Both his marriages involved the responsibility of step-children, but the relationship between parent and child seems nearly always to have been a happy one.

In 1777 he married Frances (Bland) Randolph, a widow of John Randolph of Matoax, in Chesterfield County, and mother of John Randolph of Roanoke. Their surviving sons were Nathaniel Beverley and Henry St. George, both of whom lived honorable and useful lives, a credit to their parents. Beverley, after a long sojourn in Missouri, returned to Williamsburg and took his father's position on the bench and in the College, wearing proudly the title of "Judge Tucker of Williamsburg." Henry settled in Winchester, Virginia, where he practiced law and earned a high place in the regard of his fellow citizens. This son became President of the Supreme Court of Appeals of Virginia, one of the benches on which his father had served so well. He also taught law at the University of Virginia and was a member of Congress. From the beginning the Tuckers figured prominently in public life; the temptation to recount the accomplishments of other descendants is great but must be resisted. For those willing to take care to distinguish among the several Beverleys and St. Georges of later generations, however, the history of the family is highly interesting.

St. George's first wife died in childbirth in 1788 and he did not marry again until 1791, when he took unto himself Lelia (Skipwith) Carter, daughter of Sir Peyton Skipwith. Mrs. Carter, too, had children by her earlier marriage, and so the Tucker household became rather large. After the stunning blow of his first wife's death, St. George had moved from Matoax to Williamsburg, where he purchased a comfortable home facing the Court House Green. Here he reared his children with understanding and good humor, though faced at times with a variety of problems, including illness and early death of some of the children. Mrs. Coleman records among his papers a playful set of disciplinary rules composed in mock military style by Tucker for the governing of his children. These are titled, "Garrison Articles to be observed by the officers and privates stationed at Fort St. George in Williamsburg," and include such regulations as "No Captain, or subaltern officer, or private, shall presume to dance or run about the room at Breakfast or Dinner Time."[11]

Tucker's love of Williamsburg was upon one occasion put to such a se-

11. *Ibid.*, p. 103.

vere test that he wrote a spirited reply to criticism of the town. The Reverend Jedidiah Morse in his *Universal Geography* had called it "dull, forsaken, and melancholy." This was more than Tucker could stand, and he roundly berated the Reverend Mr. Morse who, he said, "spent one, or at the most two nights in Williamsburg," and assured him that "few villages can boast a more pleasant situation, more respectable inhabitants, or a more agreeable and friendly society."[12] This was indeed an excellent place in which to live and rear his family; the atmosphere of Williamsburg suited Tucker. People of learning, urbanity, breeding, and charm made the society there most agreeable, and the dignified beauty of the town and country pleased him greatly.

His amiable personality and strength of character are evident in the best known portrait of him, the St. Mémin engraving. This was made when Tucker was 55. It is a profile view, revealing a high forehead, long nose, a chin not sharp but definite, good eyes, and an expression of calm reserve. The portrait is in the Library of Congress.

After this excursion into the realm of family affairs and personal characteristics, we turn to a review of Tucker's public life. Virtually his entire life after the Revolution was spent in public office, except for interludes of illness. Intensely interested in political affairs, he wrote tracts on political themes (such as slavery and the use of Norfolk as a port of entry), and assisted in the preliminary work of forming the Constitution. In 1781 he became a member of the Virginia Privy Council, and in 1786 he was appointed, with James Madison and Edmund Randolph, as one of a commission to the Annapolis Convention to present a proposal for regulating commerce of the United States. He had earlier written a tract on this subject, which attracted attention and gained him the appointment.[13] This convention recommended that another convention be held by all the states in 1787 at Philadelphia, and it was the later convention which proposed the Constitution. Tucker was a Jeffersonian vitally interested in political theory; these formative days of the Union were intensely exciting and challenging to a mind alert and well-stored as was his.

Law practice had also reengaged Tucker's interest after the war. He practiced in the county courts and later superior courts, and his ability earned respect of the judges and lawyers. One of his famous cases was *Martin v. Hunter's Lessee* (1 Wheat. 304, 317), in which he was counsel for Hunter. Marshall praised Tucker's handling of this difficult argument, calling him "one of the ablest lawyers of the South."[14] Call says that he was "second to none of his competitors."[15]

Certainly he was outstanding, for he quickly attracted attention and was appointed Judge of the General Court in 1788, in which capacity he

12. *Ibid.*, p. 102.
13. *Ibid.*, p. 87.
14. Dobie, A. M., FEDERAL DISTRICT JUDGES IN VIRGINIA BEFORE THE CIVIL WAR, 12 *Federal Rules Decisions* 459.
15. Call, Daniel, BIOGRAPHICAL SKETCH OF THE JUDGES OF THE COURT OF APPEALS, 4 Call (Va.) xxvii.

"was considered as decidedly the most learned judge of the court after Mr. Tazewell left it."[16] During this period he was appointed one of a commission to study and revise the laws of Virginia, a subject which attracted him greatly. In the introduction to his Blackstone, he points out the difficulties attendant on research in Virginia statutes. Although the laws of Virginia were revised somewhat, many acts were omitted in revision without obviating the necessity of referring to earlier statutes.

Tucker's talent for careful analysis and diligent study of legal questions was exercised in an additional endeavor when he became Professor of Law at the College of William and Mary in 1790. This was a post of honor in which his only predecessor had been the eminent George Wythe. The College awarded him the degree of Doctor of Laws the same year he came to teach. He took his duties as a professor with great seriousness, and endeavored to prepare his students well for their eventual practice in the State. The impetus for his edition of Blackstone came from his decision to use Blackstone as the basis for his lectures. He took care to point out the differences due to American usage and to comment on important topics needing lengthier treatment. His objective at all times was to give practical and useful instruction, to make Blackstone "safe" (his term) for students of law in the United States.[17]

He resigned the professorship in 1804 when he assumed duties as a Judge of the Court of Appeals, having been elected as successor to Edmund Pendleton. In this capacity he served until 1811. He left a rather staggering number of opinions. These are reported in 8 Va. to 16 Va. (4, 5, and 6 Call; 1, 2, 3, 4 Hening & Munford, and 1 and 2 Munford). During his judgeship on the General Court and Court of Appeals, he kept a journal of what was done in court, "in which his own opinions are written at large, but the concurrence or dissent only, of the other judges is mentioned."[18] Tucker's resignation from the Court of Appeals seems to have been due to a certain unhappiness in the position. He left that bench with a resolve to quit public life.[19]

This resolution, however, was broken some two years later when he reluctantly accepted the post of Judge in the U.S. District Court for the Eastern District of Virginia. The appointment was made by President Madison and Tucker retained it for fifteen years, resigning because of ill health shortly before his death. Although he was unquestionably an asset to the federal court,

> . . . it was his fate . . . to sit with Chief Justice Marshall in most of the important cases engaging his attention as a federal judge. In nearly all the cases in which these two judges sat together, the Chief Justice wrote the opinion.[20]

The major opinions, then, for which Judge Tucker is remembered are those of the state courts. Among these, *Kamper v. Hawkins* (1 Va. Cases 20) is always mentioned because it upholds the court's right to declare

16. *Ibid.*, p. xxviii.
17. 1 Blackstone's COMMENTARIES, Introduction, xii.
18. Call, *op. cit.*, p. xxviii.
19. Coleman, *op. cit.*, p. 147.
20. Dobie, *op. cit.*, p. 460.

an act of the legislature unconstitutional. This case, decided in 1793, held the Virginia Constitution of 1776 to be a sovereign act of the people of Virginia, and as such, the supreme law; therefore any act of the legislature or government departments in conflict were declared null and void. This interesting and sound precedent for *Marbury v. Madison* is justifiably noteworthy. The establishment of legal principles involving recent instruments of government was particularly necessary but all the more difficult because of absence of precedent. Judge Tucker's command of the problem is evident in this opinion.

Woodson v. Randolph (1 Va. Cases 128) provoked one of Tucker's dissents. This case held that Congress could not change the rules of evidence in regard to a state contract sued upon in a state court. Another opinion usually cited is *Turpin v. Locket* (6 Call 113), which concerns a now obsolete matter of use of glebes of the Episcopal Church for relief of the poor.

Tucker worked with great patience and diligence in preparing his opinions. He made reference in one case, *Bates v. Holman* (3 H & M 502, 514), to the citations presented by counsel on a matter of implied revocation of wills:

> I have turned to the numerous cases and elementary treatises they have cited, and have endeavoured to draw from them all the information which may enable me . . . to form a correct judgment on that important subject.

And indeed he must have examined these and many more. His opinions are studded with quotations or ideas from a vast variety of writers and are written with studied care. They have, in fact, been criticised for a quality of dull meticulosity:

> His opinions are generally learned and sound; but sometimes a little tinctured with technicality, arising I believe from his having been entered in a special pleader's office in Bermuda, in order to learn that intricate science; which gave a bias to his mind, that he never, entirely, got rid of.[21]

Whatever the minor faults, the opinions stand as a solid contribution to Virginia law.

Aside from judicial subjects, Tucker displayed a wide range of interests, much as did Jefferson, Franklin, and numerous other men of the day. He was captivated by science and invention, capable in business ventures, and thoroughly devoted to education. St. George displayed curiosity and understanding of a variety of natural phenomena. His notebooks recount excursions to Natural Bridge, then called "the Great Bridge," where he was not content merely to look, but measured and made notes on the dimensions of this natural wonder.[22] He studied the manifestation of lightning and rock formation. His notebooks also record an exciting battle of bees which fascinated him as he watched a display conducted according to the rules of human warfare.[23] Astronomy held his attention throughout his life, an interest not limited to mere observation but pursued by study in useful texts of the day. Among the books in his library was a work by Bailly, *Histoire de l'Astronomie,* with marginal notes by Tucker.

21. Call, *op. cit.*, p. xxviii.
22. Coleman, *op. cit.*, p. 148.
23. *Ibid.*

The eager curiosity of a mind thoroughly alive to the world of nature and man furnished St. George many hours of delightful and useful activity far removed from bench and bar. His scientific interest extended to practical applications, too, such as the system of signals made by flashing lights, which he called a "telegraph." Among his papers are drawings and explanations of a steam engine which might be used for pumping water. For this scheme he even made a model of the engine.

Some of his inventive skill was devoted to refinements in household conveniences. He designed and constructed a bathroom from a small dairy house in the yard of his home. Here he had a large copper tub with a pipe from the well house to fill the bath and a vent for emptying it. This bathroom was a real innovation "far surpassing in luxury anything of which Williamsburg could boast for the next hundred years."[24]

In addition to science and technology, the world of business claimed Tucker's attention from time to time. Mention has been made earlier of his assistance in his father's shipping interests in Bermuda and his conduct of several trading expeditions for the colonists during the Revolution. He was evidently one of the initiators and backers of the Farmers' Bank of Alexandria, as Mrs. Coleman reports a large correspondence relating to this enterprise.[25]

Education was also of concern to Tucker. As early as 1794 he made numerous specific suggestions to the Governor and legislature on the establishment of a State university, and only a few years later sent Washington a detailed plan for the founding of a national university.[26] The intellectual atmosphere of the times and general public sentiment in favor of the spread of learning carried many people along in a wave of enthusiasm for the creation of institutions of higher learning in the new Republic. Tucker's own experience as a teacher probably added to his appreciation of the need for more schools and gave him a realistic approach to detailed planning of a proper university.

All these pursuits, though worthwhile and interesting, would scarcely have served to give St. George Tucker a particular niche in American legal literature. Without the accomplishment of his edition of Blackstone, Judge Tucker would be only a shadow in the past. The written word has such survival quality that he who is at all envious for the notice of later generations would do well to commit his mind to paper. Tucker's writing indeed extended beyond law and political theory to matters of public affairs and includes also numerous pieces in the field of belles-lettres. A discussion of Tucker as a writer lies outside the scope of this sketch, but some mention will be made of his most notable and typical contributions in this field.

The Tucker edition of Blackstone, published in 1803 in five volumes, became one of the most important law books of its day, and remains valuable even now for its able and

24. *Ibid.*, p. 124.
25. *Ibid.*, p. 125.
26. *Ibid.*, p. 170.

perceptive analysis of the federal Constitution, as well as for useful discussions of many legal topics of lasting interest. Tucker recognized the necessity for annotating Blackstone for use by American students and lawyers, some of whom, he says, "without any other aid have been sucessful candidates for admission to the bar of this state."[27] This unfortunate condition resulted in many persons entering practice without an accurate knowledge of the laws of their own state and country. To remedy this state of affairs, Judge Tucker prepared his own notes on Blackstone and appended to each volume rather lengthy dissertations on topics related to Blackstone or further necessary for a student's proper understanding of his own law and government.

The outstanding discussion is contained in volume 1, Note D, *Of the Constitution of the United States,* which elaborates the nature and origin of our Constitution in a commentary of high significance. Tucker realized the unique character of this political document and took pride in explaining the features which distinguished it from the English Constitution, upholding republican government against monarchic government. With a becoming enthusiasm he says,

> . . . wherever the constitution of the United States departs from the principles of the British constitution, the change will, in an eminent degree, contribute to the liberty and happiness of the people, however it may diminish the splendour of the government, or the personal influence of those who administer it.[28]

Notwithstanding his defense and encomium of the Constitution, he does not overlook defects in the structure, but gives a complete and thorough analysis of all elements. The style is direct, lucid, and smooth. Throughout his writing Tucker draws liberally but meaningfully from a variety of authorities, including such political theorists and legal writers as Montesquieu, Locke, Vattel, Jefferson, Paine, Rousseau, Justinian and many others. His learning and scholarship are evident but never ostentatious.

In other sections of appendix material he treats the Constitution of Virginia, the question of the authority of the common law in the United States, freedom of speech, slavery, expatriation, rights of aliens, land tenure in Virginia, usury, treason, and matters of Virginia pleading and practice.

The other work of more than contemporary importance written by Tucker is his *A Dissertation on Slavery: with a Proposal for the Gradual Abolition of it in the State of Virginia.* This was first printed in 1796; it was reprinted in 1861 because of the importance of the views expressed and the eminence of the writer. A large part of the essay is devoted to the origins of slavery and a detailed account of Virginia laws regarding slavery. The difficulties of freeing slaves are pointed out and a definite plan is outlined for assuring a workable emancipation. His suggestion was that legislation be enacted granting freedom to every female born after the act's adoption,

27. 1 Blackstone's COMMENTARIES, Introduction, v.

28. *Ibid.*

and transmitting this freedom to all her descendants.[29]

Political pamphlets on questions of the day came from his pen at intervals. In 1786 he had written on the subject of making Norfolk a port of entry for Virginia, and in 1803 he wrote under a pseudonym *Reflections on the Cession of Louisiana to the United States.*[30] His ready and vigorous mind attacked whatever problems seemed to him most important in the young country's life. He was a patriot of unquestioned devotion, but he did not overlook practical considerations and errors in public policy.

St. George's patriotism expressed itself most lavishly in poetry. His chief works in this somewhat crowded field are *Liberty, a Poem on the Independence of America* (1788) and *The Probationary Odes of Jonathan Pindar* (1796). The latter was published in the *National Gazette* and was often attributed to Freneau.[31] Tucker translated some of the odes of Horace and in a much lighter style wrote a parody of one of Cornwallis' orders.[32] Although his poems seem generally stilted, sentimental, high-flown, and lacking in true fire, a few are genuinely moving. Today, however, it would be difficult to agree with the extravagant praise President John Adams poured on one of these verses. Writing to Richard Rush, Mr. Adams said, "Is there, in Homer, in Virgil, in Milton, in Shakespeare or in Pope, an equal number of Lines which deserve to be engraved on the memory of Youth or Age in more indellible characters."[33] The opening lines of this poem, called *Resignation,* and sometimes *Days of My Youth,* read as follows:

> Days of my youth; ye have glided away;
> Locks of my youth; ye are frosted and gray;
> Eyes of my youth; your keen sight is no more;
> Cheeks of my youth; ye are furrowed all o'er.[34]

His personal letters, though perhaps not properly classified as writings, speak with greater effectiveness to our day. They show a spirited, sincere, sensitive, observant man, who inquires tenderly and affectionately after his children or reports his own pleasure and pride in hearing General Washington address him by name. The whole series of letters written during the Revolution is of unusual interest.

St. George Tucker was privileged to lead a long and useful life in which he devoted himself unselfishly to public service. He was accounted amiable in private life, "exemplary as a husband, parent, and step father, . . . benevolent and upright, a good neighbour, agreeable companion, and sincere friend."[35] This outstanding writer, judge, and patriot died on November 10, 1827, after a lengthy and painful illness. He was buried

29. Tucker, St. G., A DISSERTATION ON SLAVERY (Philadelphia, Mathew Carey, 1796). Reprinted in Coleman, M. H., VIRGINIA SILHOUETTES (Richmond, Dietz, 1934), p. 54 and following.

30. Sylvestris (*pseud.*), REFLECTIONS ON THE CESSION OF LOUISIANA TO THE UNITED STATES (Washington, D.C., S. H. Smith, 1803).

31. Dobie, A. M., ST. GEORGE TUCKER, 19 *Dictionary of American Biography* 39.

32. JUDGE TUCKER'S PARODY in C. W. Coleman's THE SOUTHERN CAMPAIGN, 7 *Magazine of American History* 45 (1881).

33. Coleman, M. H., *op. cit.*, p. 169.

34. Parks, E. W., SOUTHERN POETS (New York, American Book Co., 1936), p. 9.

35. Call, *op. cit.*, p. xxix.

at Warminster in Nelson County at Edgewood, the home of Joseph C. Cabell, where he had spent the last months of his life.

Certainly he needs not "the labour of an age in piled stones," for he has left his own best monument in Tucker's Blackstone. The work holds a unique place in American legal writing and entitles its author to an honored memory. This sketch has brought together some of the biographical material on Tucker for the purpose of making the material readily accessible and of paying homage to the worthy Bermuda immigrant who became our "American Blackstone."

In conclusion, we quote the inscription St. George Tucker wrote for his portrait engraving by St. Mémin; it serves well as a sincere description of the man:

> Bermuda me genuit, Virginia fovit;
> Illi pietate filiali semper devinctus;
> Huic non civis devinctior alter.[36]
>
> (Bermuda gave me birth, Virginia nurtured me;
> Bound always to the former in filial piety;
> No citizen is more bound to the latter.)

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The Library of the College of William and Mary has a wide variety of Tucker materials in its Manuscript Collection. This includes letters, papers, and an interleaved and annotated set of Blackstone. Also Colonial Williamsburg, Inc. holds many Tucker manuscripts.

Searching Legal Literature—An Appraisal of New Methods

by VINCENT P. BIUNNO*

Ever since man first cut notches in poles and scratched marks in stone, he has constantly striven for superior devices and methods by which to preserve his hard-won knowledge. He has done this because he realized that whatever the device, permanent records serve not only to aid the memory of those who make them, but also to pass that memory on to others, contemporary or subsequent.

The discovery of the printing press was more the realization of a principle than it was the invention of a device, for the physical equipment is but one embodiment of a concept. That concept was that the scope of the written word could be broadened incalculably if the dreary and painstaking labor of hand-setting a volume could be reduced to a single performance, from which numerous duplicates could be produced with insignificant effort.

It took time, however, before a prodding doubt began to throb, that the infinite capacity of the system might not embody some serious burdens.

Most obvious of these burdens is the demand of bulk for storage and maintenance. Any collection worthy of the name, no matter how limited or restricted the field, is perpetually bulging its shelves and crowding its ceilings.

More serious than this, though, is the increasing difficulty of locating desired information, which has become a matter of finding the needle in the haystack. Perhaps no mathematical formula can be expressed, but it seems to be a fact that the point has been reached—and passed—beyond which utility can be expected to vary inversely to bulk.

The constant in this imaginary formula is the rate at which the human eye and brain can read and understand. Whenever the amount of material to be read, divided by the average reading rate, produces a time requirement greater in cost than the value of the search itself, the point of diminishing utility may be said to have been passed.

At the moment, there does not appear to be any indication that the human reading rate can be materially altered. Some compact system of written marks, capable of conveying complex thoughts, ideas or relationships readable by the human eye and brain by "riffling the pages", seems unlikely.

**Editor's Note.* The author is a member of the firm of Lum, Fairlee & Foster, counselors at law, Newark, New Jersey. This article is an explanation and a résumé of an investigation into the realm of mechanized and automatic literature searching conducted by a special committee of the New Jersey State Bar Association.

We still write and read in "longhand."[1]

The only tools now in general use are the digest, the index, the compendium, and similar devices. These devices were developed at a time when the quantity of material was much less than it is now, and all are based upon the concept of pigeonholing like information. Each pigeonhole has a label, considered by the labeler as the most likely identification of the contents. In the days when one could be expected to memorize the names on all the labels, the system was no doubt satisfactory. But when the number of pigeonholes began to spill over the edges of memory, something else was needed, and the alphabetic index grew in use. It provided a place in which, besides listing the labels of all the pigeonholes according to a well known list of 26 letters, other words, not on the labels, but either equal to them or suggestive of them, could be inserted. Thus, the uninitiated, seeking a statute providing that 20 years' possession by a mortgagee should cancel the equity of redemption, might first consult the index for the term *Redemption*. He might find a reference, *see Mortgages, this index*. Upon consulting that label, he would find a subordinate reference *Bar of equity of redemption by possession* along with the citation.[2]

What has happened here, of course, is that even in specialized portions of restricted collections, the contents of each pigeonhole outgrew its capacity, and even though all the contents might be the same, they have been divided, of necessity, on the basis of elements other than true *differentiae*, and placed in more commodious pigeonholes with new names.

Accordingly, a judicial decision involving a fundamental principle of the law of contracts may be indexed only under the new pigeonhole *Labor Relations* simply because the dispute happened to involve a local and a national union.[3] But with existing methods there seems to be no choice; for if each point of interest is indexed according to all the factors which compose it, the bulk of the index would be likely to exceed that of the source.

Even though this degree of indexing has not been employed, and through cross-entering has been purposely restricted, we already have an unwieldy ratio between index and source. No accurate count has been

1. This is not universally true. In some specialized and restricted fields means of compact and rapid communication have been achieved. Their use, however, requires an acquaintance with the field itself, as well as with the system, and they are not as universal as "language". The most widely understood, of course, is mathematics which discovered the secret of expressing, for example, the complex law of right-angled triangles as $a^2 + b^2 = c^2$, instead of "The square of the hypotenuse of a right-angled triangle is equal to the sum of the squares of the other two sides."

2. This is a specific instance. Whether *Mortgages* is examined or *Redemption*, some frustration is experienced. In the particular case, a word-index to New Jersey statutes, a logical subhead under *Mortgages* is *Equity of Redemption*, but that subhead only says *See Redemption, this index*. Upon consulting *Redemption*, and the obvious subhead *Mortgages*, the circuit is completed by the note *see Mortgages, this index*. The desired reference actually appears under *Mortgages*, subhead *Bar*, etc. The desired citation here was N.J.R.S. 2:65-14 (now N.J.S. 2A:50-21).

3. The instance in mind here is *Edwards v. Leopoldi*, 20 N. J. Super. 43, 89 A. 2d 264 (App. 1952), in which the court decided a dispute as to ownership of the local's funds when the local terminated its affiliation. The decision turned on the applicability of the contract doctrine of "frustration" of an essential implied condition.

attempted, perhaps, but it may help to evaluate a sample.

A recent volume of judicial decisions contains 726 pages. Of these, 686 compose the decisions (each with its synopsis and headnotes) and the alphabetic index-digest of the headnotes. The latter account for 74 pages. But since these 74 pages contain the same text (more compactly printed) that appears in the notes at the head of each decision, they must account for still another 74 pages, and more, in the same volume. We can accordingly deduct 148 pages of headnotes from 686 pages, for a rough estimate of 538 pages made up of the text of the decisions, their captions, synopses, and appearances. But this is not all. There are also 38 pages, roman-numbered, with lists of the names of cases reported, names of cases cited, and statutes, rules and constitutions cited. Two more pages carry a list of words and phrases construed. The total space occupied in the volume itself, by index material, is thus brought to 188 pages.

Yet, this is not all, either; for the 74 pages of headnotes appear once more in the comprehensive and cumulative digest (a separate set of volumes). This brings the total of the indexing material produced by 538 pages of judicial opinions, to 262 pages, which amounts to over 48 percent of the original material itself.

Of course, the sample cannot be either accurate or representative, except by accident. Nonetheless, cursory examination reveals that it is not greatly different from the average. Actually, the ratio may be even higher for an accurate measurement would take account not of pages, but of reading time, i.e., how long it takes to read the index material, compared to the time it takes to read the original material. Traditionally, the original material is more generously spaced and uses larger type than the index material, so that more time is required to read one page of the latter than one page of the former.

Another factor that makes an accurate estimate of ratio difficult is the fact that in conducting a search, many abstracts, under promising captions, must be read before they may be rejected as inapplicable to the question involved.

Some improvement of the ratio could undoubtedly be realized by a more critical form of expression in the digests. These are all too often far longer in words than the information conveyed would justify, and at other times are so sterile of information as to compel a reading of the entire source represented.[4]

These comments are no criticism of those who have undertaken to keep the law's literary house in order. With the tools available, they have done remarkably good work, in the sense that a highly detailed system of references has been designed and employed. The failure of the system lies in the enormous increase in the quan-

4. The thought here is that the abstract must contain the essence of the source but no more. An analogy is helpful. Recipes for cakes must list the nature and amount of all ingredients, and detail the methods and steps for their combination. It would be irrelevant to the recipe to detail the age, height, weight, marital status or sex of the cook who tested the recipe. Yet our abstracts often contain details of no more bearing on the point involved than those factors would have to baking a cake successfully.

tity of material which has overloaded the device and rendered it unwieldly.[5]

In the light of these circumstances, a first conclusion may be drawn with the assurance that it is perfectly sound:

I. A crisis exists in the storage and use of legal literature, and it exists to a degree of intensity which requires that efforts to solve it be undertaken without delay.

This conclusion is vital to the whole concept of what follows, and unless its meaning is clearly understood by all those who must work with legal literature, the compelling urge to do something about it, which is essential to a satisfactory solution, will not exist.

A second conclusion, fully as important as the first, is also apparent from the foregoing considerations:

II. In attempting to develop a solution to the crisis, it must be recognized as fundamental that existing methods and techniques are wholly inadequate as they suffer inherently from the limiting factors of bulk and human reading rates which are the cause of the crisis.

If these two conclusions are accepted as correct, even though provisionally (and wisdom would require that their acceptance be provisional), the mind is inexorably led to realize and understand the essential characteristic which must be possessed by any system or device contemplated as a solution:

III. Any successful solution to the crisis must embody the concept of providing a means by which the material now read by human eyes and brains may be examined and selected by some other method, capable of a rate distinctly and exceptionally greater than that of which humans are capable.

It is not possible to specify the desired rate. It is possible to say that a solution which improves the rate by 50 percent is not worth the effort; that one which is ten times as fast would be mildly interesting; that an improvement of rate by 100 times or more would be well worth investigating.

The idea expressed in the third conclusion stated seems to be related in kind to the concept of the printing press, which is the other side of the coin. The concept of printing envisions a system in which the writing is done but once (by the setting of type) and thereafter duplicates are made with great ease and little expense. Similarly here, the concept is that the reading be done but once, and thereafter searches can be made with great ease and little expense. The hard core of the problem lies in the fact that just as writing and printing are merely mechanical operations designed to put down ideas and concepts and other products of the brain (which are the product of the author, not of the printing press), so an automatic searching device will be merely a high-speed mechanical device for selecting and gathering those same ideas and concepts. It is not words and sentences with which such a system must deal, but the thoughts those words and sentences represent.

5. "The situation in legal documentation is startingly different than that in the field of medicine. An elaborate interlocking reference system permits—if sufficient time and patience is invested—the tracking-down of the precedents pertinent to any given case. This system has been worked out in great detail and represents a large investment of time and money. The weak spot is the fact that considerable effort is required to work through the reference aids provided." *Interim Report of The Center for Scientific Aids to Learning,* Massachusetts Institute of Technology, February 1, 1951, 34.

For this reason, any effort to solve the crisis will involve, as its most critical and vital step, what may be termed a "creative reading" of the material to be classified and indexed for automatic selection. This operation is roughly equivalent and opposite to the process of writing down thoughts and ideas, and it has always been and will remain an essential step in effective communication. The development of a method for performing that operation on written material, once, but accurately, will provide a specific means for realization of the goal. It also follows that a method of this kind would be capable of application to as broad a range of subjects as language itself. It would be indifferent to the nature of the material, and would be useful whether the particular field be chemistry, medicine, law, or any other. It is this fact which makes the work which has been undertaken and advanced on a project to provide automatic searching of chemical literature so useful and attractive.

Evidently, the "creative reading", the "reading only once, but rightly" can be done only by persons learned in the law. Someday, perhaps, the person skilled as both librarian and lawyer will have been trained in sufficient numbers to be wholly responsible for this part of the job.[6] In the meantime there will need to be a division of work between librarian and lawyer so that together the technical difficulties can be overcome. This is not any remarkable arrangement, for in the early days the "indexing" was largely accomplished by the publication of treatises prepared by outstanding members of the bench and bar, but as the volume of material puffed beyond the capacity of but a few, the task was gradually confided to others. Here lay the seeds of the present crisis, and here (had the technical means been available then) was the critically ideal time to have devised more wieldy systems. That this was not done probably resulted from a failure to recognize the precept that abstracting, digesting, collating, classifying and indexing which is done for the purpose of *use* by the practicing lawyer must be done *by* the practicing lawyer to a very large degree. This is not to say that he is to do clerical work, but it is to say that only he should make the decisions—selection of points decided, determination of their nature, providing the handles by which they may again be grasped.

The chemists have undertaken a project of the same nature to meet a similar crisis in chemical literature. Perhaps seven or more years have already been devoted to the effort, and

6. The name "data-specialist" has been suggested for this combination librarian-lawyer. The idea is of a research worker who can undertake a further division of labor than is ordinarily employed, and who is not held to the present limits of skill only in classificatory technique without needing to have any skill or proficiency in the subject matter itself. For a well-written discussion of this aspect, see Ranganathan, S. R. and J. W. Perry, *External Memory and Research*, 7 JOURNAL OF DOCUMENTATION 10 (1951).

The suggestion has unusual merit in that it offers a chance to lick the problem of specialization. In the field of law, specialization, as a form of self-defense against bulk, has largely been a matter of dividing subjects. Thus a lawyer may specialize in tax law, or labor relations law, or corporation law, and the like. This has never been a particularly happy arrangement as it destroys the comprehensive understanding of law. The idea of a data-specialist, however, amounts to a division of work according to *skill*, which might be far more powerful.

progress has advanced sufficiently so that an examination of their methods, results and conclusions are of great value in appraising specific devices.

In the early stages the work was on a predominantly individual basis and dealt with quite narrow fields. One early experiment, for example, was limited to chemical bibliographies, but after a half-dozen or so had written about their methods, they were convinced that the basic device was applicable to far broader fields.[7]

The device first used was the hand-sorted punch card. This is an ingenious arrangement, consisting of a row of holes placed around the four sides of a card. Depending on the punching scheme adopted, one or more specific holes, representing an identification of material on the card, is punched to form an open slot through the edge of the card. Assume, for example, that all cards dealing in any way with the law of contracts had hole number 1 punched out to form a slot. If all contract cards were desired, a thin needle would be inserted through hole number 1 and the entire stack lifted. All cards not dealing with contracts (i.e., hole number 1 not punched out to form a slot) would remain on the needle. All contract cards would fall off it and would be produced.

The advantage of this device is that it employs a basic method common to all devices of the sort, including some phenomenal ones designed but not yet built. They are inexpensive and are ideal for experimentation. There is no expensive equipment, since all that is needed is a small hand punch and one or more sorting needles.

It has disadvantages, primarily in the practical capacity of the cards. One standard card, 3¼ x 7½ inches, has 27 holes along each long edge, 10 along one short edge and 9 along the other, for a total of 73 holes. If each hole is given one specific meaning, and no other, it is clear that classification would need to be very broad, and would be of value only for small files of, say one or two thousand cards. To increase this capacity, systems based on the punching of combinations of holes have been devised. The mathematical limit of capacity is based on a system employing binary numbers; yet this method requires excessive needling, so that ease of sorting is destroyed.

Most work on these cards has been according to systems employing simple and limited forms of the binary concept, the compromise being aimed at getting enough capacity without losing sorting ease. In this fashion, the cards have been applied successfully to record and locate references to engineering literature,[8] for college accounting problems,[9] for arranging

7. See, for example, Cox, Bailey and Casey, *Punched Cards for a Chemical Bibliography*, 23 CHEMICAL AND ENGINEERING NEWS 1623 (1945); Casey, Bailey and Cox, *Punch Card Techniques and Applications*, 23 JOURNAL OF CHEMICAL EDUCATION 495 (1946); Bailey, Casey and Cox, *Punch Cards for Scientific Data*, 104 SCIENCE 181 (1946); Cox, Casey and Bailey, *Recent Developments in Keysort Cards*, 24 JOURNAL OF CHEMICAL EDUCATION 65 (1947); Ames and Kujawski, *Use of Punched Cards for Indexing and Classifying Bio-Chemical Literature*, 39 SPECIAL LIBRARIES 233 (1948).

8. Gagne, *Organizing an Engineering Data File*, 23 MACHINE DESIGN 110 (1951).

9. Gross, *Adapting a System of Key-Sorting to College Accounting*, COLLEGE AND UNIVERSITY BUSINESS, February, 1951.

and programming high school classes,[10] for library acquisition work,[11] and other library applications.[12] One article in particular describes an application to the indexing provisions of union contracts and touches the fringe of legal interest.[13]

Later, a committee of the American Chemical Society concluded that automatic equipment offered the possibility of realizing complete searches over a broad range, and encouraged individual experimentation. For this purpose, a book was prepared and published to provide enough explanation of theory, specific method and illustrative applications to permit anyone to conduct his own experimental use.[14] In addition, the volume contains a bibliography of nearly 300 references, probably the most complete now available.

The committee's work was subsequently carried forward under Dr. James W. Perry at the Center for Scientific Aids to Learning, established at Massachusetts Institute of Technology, and is now part of the work conducted at the Center for International Studies at Massachusetts Institute of Technology. At the Center, use of machine-sorted cards was undertaken, and formed the basis for design and construction of a new unit which, unlike present machine sorting devices, is capable of "reading" all the holes on a card by a group of photoelectric cells, on a single pass of the card. This change raised the capacity of the machine to a reading and selection rate of 60,000 cards per hour. Not in existence, but believed capable of design and construction, is a device which could scan an index at the rate of 5 million documents per hour![15]

In a number of detailed discussions with Dr. Perry, and others of his staff, as well as with representatives of the manufacturers of hand-sorted cards as well as of machine sorters, it was concluded that the methods developed so far were sufficiently remarkable to justify experimental efforts in a parallel project dealing with the law. Obviously, the availability of information as to methods and techniques developed over more than seven years should help immensely to get a start well ahead of the beginning, and at far lower cost than would otherwise be possible.

The effort requires that persons skilled in classification techniques, or in law, or both, undertake to study and understand the concepts of translation of ideas which is involved in relegating the drudgery of reading to a machine, so that the mind may be released for work of a higher order. The concept is not obscure, for it finds existing and familiar application in the Morse code, in the Braille system, and even in the old player

10. Feldman, *Programming Classes by Means of a Punch Card System,* HIGH POINTS, March, 1950.

11. Brown, *Use of Punched Cards in Acquisition Work,* 10 COLLEGE AND RESEARCH LIBRARIES 219 (1949).

12. Putnam, THE UNIVERSAL MARGINAL PUNCHED LIBRARY CARD. Los Angeles, Hadley, 1951. This paper mentions a bibliography, said to be available from the Special Libraries Association, of articles which have appeared in the LIBRARY JOURNAL, SPECIAL LIBRARIES and CHEMICAL AND ENGINEERING NEWS.

13. Hoag, *Indexing Union Contracts,* 37 SPECIAL LIBRARIES 106 (1946).

14. Casey, Perry *et al.,* PUNCHED CARDS. New York, Reinhold, 1951.

15. *Mechanized System Launches New Era for Literature Searching,* 30 CHEMICAL AND ENGINEERING NEWS 2806 (1952).

piano with its perforated rolls of "music." These familiar applications differ only in the purpose or use of the concept of translation itself.

The eventual goal of course, is the construction of a comprehensive language or code, readable by machine, by which any legal precedent or authority, whether Constitution, statute, decision or rule, can be identified. A project of that character would require several or more years, depending on the intensity of the work, and at the present time would probably be considered too herculean to begin.

Meanwhile, individual experimentation on small-scale projects will certainly produce the beginnings of the new talent, prove the effectiveness of the technique, and provide the experience and basis indispensible to the larger work.

A number of guides are called for to prevent unnecessary repetition of preliminary experimentation and these will be briefly stated.

1. Keep the first code scheme as simple as possible, using a direct code (in which each hole has one, and only one, meaning).

2. Avoid trying to enter too much information in the punches. The top row may be reserved for a description of subject matter; a small group of holes on one side may be used to distinguish between Constitution, decision, statute or rule; someday a distinction might be made between majority decision, concurring opinion and dissent; between decisions of lower courts and of upper courts; between good decisions and unimportant ones—but not in the beginning. Do not try to enter reference citations. There is not enough room. These should be typed or written on the card itself. A field might be worked out to designate particular states.

3. Keep a ledger in which to enter the meanings assigned to each hole, and, as to the subject holes, any additional meanings available by combination. This is essential in step-by-step work to avoid semantic difficulties.

4. Appraise results by trial sorting as soon as enough cards have been prepared, and be ready to make changes in the arrangement of the code before it is too deeply committed. In fact, it is probably wise to handle the first 50 or 100 cards without any punching, but just as ordinary index cards, but the temptation to punch is difficult to resist.

5. Try to establish relationship between specific items and more generic concepts. Three levels of classification should be adequate, with the top one as broad as possible. At first, punching should be limited to the most specific level, or to the broadest. Punching the combination should be left unitl more experience has been had.

6. Cross-index, not by making another card, but by punching appropriate holes. This is one of the great powers of the punch card.

7. Gather and keep good illustrative samples of cards made and codes used at each stage of development. These are equivalent to the scientist's laboratory data, and will provide the means for exchanging experience compactly and efficiently.

These are not intended to be firm or comprehensive rules. They are

guides only, the result of some preliminary trials.

One other technique deserves mention, and that is a restricted application of the machine language called "Luko" which is undergoing trial with the photoelectric scanner.[16] In this system 20 consonants (Q being excluded) and the 5 vowels, are arranged in all possible combinations with the consonant first. This provides 100 code headings of 2 letters each. By adding a second consonant and vowel, to form a 4 letter code, 10,000 headings are secured. Application of this system to hand-sorted cards would require that 50 holes be used, and since this means going around a corner of the card, sorting would be handicapped. But an adaptation of the system can be tried for the entry of subject headings along the top row only. If 26 holes are used, the first 8 may be designated B, C, D, F, G, H, K, L, and in them would be entered the first consonant. The next 5 holes would be designated A, E, I, O, U, and in them would be entered the first vowel. The next 8 holes are designated M, N, P, R, S, T, V, W, for the second consonant, and the last 5 holes A, E, I, O, U, for the second vowel. A code reference would consist of four punches, one in each group, as, D-O-N-E for "Substantial Performance, Doctrine of", or, C-E-S-E for "injunctions", and so on. This arrangement provides a capacity of 1600 headings with 26 holes. The combinations may be selected at random, but it is vital that a running record of them be kept.

Ambiguity must be carefully watched. For example, if C-A-P-I is used to designate "issue", referring to the point in dispute as raised by the pleadings, some totally different code—such as K-O-T-U should be used to designate "issue", referring to lineal descendants. Simple relationships can be constructed, as, R-E-T-I for "Real Property", P-E-T-I for "Personal Property", and M-I-T-I for "Mixed Property". For this trio, a search for—T I alone would produce "All property, real, personal and mixed."

Some experimentation is called for in the technique of superimposed coding, by which, in a row such as that just described, more than one entry is made per card in the same group, or field, of holes.

The danger of superimposed coding is that if used carelessly, an undesirable number of irrelevant cards may be produced. An excellent discussion of underlying theory is presented in the book referred to,[17] but it must not be overlooked that the computations rest on the assumption of an even distribution of material.

For those interested in exploring some of the more advanced methods tried by others, two articles in "American Documentation" will prove to be of interest.[18,19]

Another recent publication which considers the problem especially from the librarian's viewpoint, has two particularly useful chapters, and is worth

16. *Ibid.*, p. 2808.

17. Wise, *Mathematical Analysis of Coding Systems* in Casey, Perry *et al.*, *op. cit.* at footnote 14, p. 285.

18. Wise and Perry, *Multiple Coding and the Rapid Selector*, 1 AMERICAN DOCUMENTATION 76 (1950).

19. Perry, *Information Analysis for Machine Searching*, 1 AMERICAN DOCUMENTATION 133 (1950).

some study, for while the machine card only is described, the basic principles are universal.[20] For experimental work on the hand-sorted cards, there has been published another guide book with considerable detail, including equipment sources and prices as well as useful bibliographic references.[21]

In summary it may be said that some form of mechanical automatic searching, whether it be by punched card, microfilm, magnetic tape or wire, promises to collapse the great mountain of accumulated legal literature to working size; that the state of the art is such as to justify preliminary investigation on an individual or small group basis; that results of such work be published for dissemination and exchange so that a large comprehensive project may be started; that all efforts and results be understood to be provisional, pending full development and acceptance.

20. Parker, LIBRARY APPLICATIONS OF PUNCHED CARDS. Chicago, A.L.A., 1952; see especially Chapter 5 (Bibliographic and Indexing Services) and Chapter 8 (Codes and Coding).

21. McGraw, MARGINAL PUNCHED CARDS. Washington, D.C., Scarecrow Press, 1952.

Sources of Legal Information in Poland

by STEFAN ROSADA AND JOZEF GWOZDZ*

I. INTRODUCTION

At the end of the eighteenth century Poland ceased to exist as an independent state. Its territory was divided and distributed among Austria, Prussia, and Russia. The prior Polish law was gradually abolished and Austrian, Russian, Prussian and, later, German laws were imposed upon the country. In addition, in Central Poland the Napoleonic Civil Code and the French Commercial Code were enacted in 1807. Therefore, modern Poland, reestablished by the Treaty of Versailles of June 28, 1919 as an independent state, represented a territory with various laws in different parts of the country. Western Poland was governed by German law; French law and some Russian statutes were in force in Central Poland; Austrian law had authority in Southern Poland; and Eastern Poland was under the laws of the Russian Empire. Although foreign in origin, these laws were at first recognized after the reestablishment of Poland because it was impossible to achieve their unification at once.

The work of unifying the various legal systems began immediately, and a special Committee for the Codification of Law was set up. This committee submitted drafts of many statutes to the government. These drafts covered a great part of private and criminal law. Among the drafts finally enacted the most important are: the statutes of 1926 on conflicts of law in international and inter-regional relations; the copyright law of 1926; the judiciary act of 1928; the code of criminal procedure of 1928; the bankruptcy act of 1930; the code of civil procedure of 1930; the criminal code of 1932; the statute of 1932 on misdemeanours; the code of obligations (contracts and torts) of 1933; the commercial code of 1933, and the statutes of 1936 on bills, notes, and checks.

Up to the outbreak of the Second World War, the Committee for the Codification of Law prepared and completed a series of drafts covering practically the remaining part of private law, in particular drafts for the law relating to real and personal property, land registration, mortgages and land charges, marriage, marriage settlements, the legal relationship between parents and children, inheritance, maritime matters and insurance. The enactment of these drafts was prevented only by the outbreak of the war.

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II. CONSTITUTIONAL PROVISIONS

Prior to World War II Polish constitutional law was based on the Constitution of April 23, 1935, which superseded the Constitution of 1921. In 1939, after the occupation of Poland by Germany and the Soviet Union, Poland continued to exist as an international entity and her Government continued to function in exile, at first at Angers, France, and later, upon the fall of France in 1941, in London. The Polish Government in Exile continued to be guided by the 1935 Constitution and received complete and formal recognition, particularly by the Western Allies at war with Germany. As regards the exercise of legislative powers, the President issued decrees with the force of law under Article 79 of the 1935 Constitution. The decrees and executive orders of the President were promulgated beginning with issue No. 100, from October 31, 1939 until July 5, 1945, ending with issue No. 11 in the *Dziennik Ustaw Rzeczypospolitej Polskiej* (Journal of Laws of the Polish Republic).

In July 1944, in the region of Central Poland (Lublin), a People's National Council was set up which was sponsored by the Soviet Union. This Council appointed a Polish Committee of National Liberation to act as a provisional government. Both of these self-appointed bodies published the Manifesto of July 21, 1944, on the basis of their *de facto* authority in which they declared that the government in exile was based on the "illegal" and "fascist" 1935 Constitution and was totally eliminated as an imposed authority, and that the People's National Council, a provisional parliament of the Polish people, legally assumed legislative power, while the Polish Committee of National Liberation assumed the provisional executive power. Both of these bodies declared that they would act on the basis of the 1921 Constitution and apply its fundamental principles until a new constituent assembly would adopt a new constitution. On January 19, 1947, a constituent assembly was elected, having as its primary task the preparation of a new constitution. This assembly organized a new provisional government. On February 19, 1947, a constitutional statute relative to the organization and authority of the supreme organs of the state was enacted for the interim period. The provisions of this statute were declared to have been formulated in accordance with the fundamental principles of the 1921 Constitution and were to apply until a new constitution would be enacted.

The Statute of February 19, 1947, provided that the Constituent Assembly should act as supreme authority of the Polish Nation and be guided by the fundamental principles of the 1921 Constitution, the principles of the Manifesto of July 21, 1944, the principles of legislation resulting from the establishment of the People's Councils and the social and governmental reforms approved by the National Referendum held on June 30, 1946.

As a result of the decisions made in 1945 by the Crimea (Yalta) Conference and the Berlin (Potsdam) Conference, the provisional government which was then functioning in Po-

land was reorganized as the Polish Provisional Government of National Unity and recognized by the Governments of the United Kingdom, the United States and the Soviet Union. The recognition of this government resulted in the withdrawal of recognition from the Polish Government in Exile.

The fact that the constitutional provisions were not embodied in a single statute and that the statute of February 19, 1947 vaguely referred to "fundamental principles of the 1921 Constitution" resulted in uncertainty. As the statute did not specify the provisions which were to be considered as embracing "fundamental principles", this was left to interpretation.

This situation was changed with the enactment of the Constitution of 1952 on July 22 of the same year. The Constitution of 1952 superseded all previous constitutional provisions and thereby removed the confusion created by the previously existing situation. The new Constitution took effect on the day of its enactment (*Dziennik Ustaw* 1952, No. 33, Law No. 232).

Under this Constitution, only the *Sejm*, the legislative assembly has the power to decide whether enacted statutes are consistent with constitutional provisions. The courts, therefore, are not vested with the power of examining the constitutionality and validity of laws. The *Sejm* is considered as the highest organ of State power in the People's Republic; its legislative decisions cannot be questioned by the courts. Article 2 of the Constitution provides that "the working people exercise State authority through their representatives elected to the *Sejm* of the Polish People's Republic and to the People's Councils. . . ."

In the July, 1952 issue of *Panstwo i Prawo* (State and Law), Witold Zakrzewski discussed the system of State authorities and administrative organs in relation to the draft constitution of the Polish People's Republic. *Panstwo i Prawo* is a monthly review published by the Polish Lawyer's Association which is completely subject to the control of the present regime. The author stated with reference to Article 2 of the constitution as follows:

> "The working people exercise the state authority through their representatives elected to the *Sejm* of the Polish People's Republic and to the National Councils. All the remaining organs of the State serve the realization of the will [of the working people] expressed by the representative organs. The consistent Socialist democracy, characteristic of the state organs of the dictatorship of the proletariat, finds its expression in (1) the entire subordination of those organs of the masses of the working people, whom they represent, (2) the close connection between those organs in all their activities, and the needs and aspirations of the working people, (3) the full subordination of any state organs, which do not have a representative character, to the organs of the People's power, (4) ensuring a wide influence of the control and collaboration of the working masses upon the activities of the remaining state organs, thereby ensuring the joining together of those organs with the aspirations and needs of the working people.
>
> "In contrast to the bourgeois mystifying fiction of the principle of separation of powers, the Draft Constitution is based upon the principle of a unitarian state authority. The unity and uniformity of the state authority find their expression in the existence of one organ within the framework of the system of organs of authority which concentrates in itself the leading functions in relation to the entire state apparatus, the whole of the sovereign

authority of the working people; and this organ is the *Sejm*."

III. UNIFICATION OF LAW

Immediately after the end of hostilities in 1945, the problem of unification of law became a matter of primary concern. This problem was accentuated by the incorporation of former German territories into Poland; the greater part of post-war Poland was now made up of an area which had formerly been under German law. In these incorporated territories, German law was alien to the Poles who were transplanted into them from the Eastern Polish provinces as the latter were ceded to the Soviet Union by force of the agreements concluded at the Crimea (Yalta) Conference of 1945.

The Government of post-war Poland introduced in the incorporated territories all the laws which were in force in the Western part of Poland before World War II, and proceeded to issue other uniform laws for the entire country, making great use of the work already done by the pre-war Committee on the Codification of Law. In the years of 1945 and 1946, statutes were enacted which regulated the law relating to persons, marriage, family, guardianship, marriage settlements, real property, land registration, inheritance, basic principles of private law, general principles of the code of non-adversary proceedings, proceedings before a guardianship authority, adjudication of death and certification of death, non-adversary proceedings concerning real property and inheritance rights, adjudication of incompetency, personal status, definition and change of names and surnames. The above statutes took effect partly on January 1, 1946 and partly on January 1, 1947.

As of January 1, 1947, each person in Poland is subject to one uniform law, irrespective of the part of Poland in which the person resides.

IV. LAWS INTRODUCING NEW CONDITIONS

Many of the statutes cited above have since been superseded or radically changed. For example, the law relating to marriage, marriage settlements, and family and guardianship was superseded by the Family Code of June 27, 1950 as was the Copyright Law of 1926 by the Statute of July 10, 1952. The Judiciary Act of 1928 underwent such fundamental changes in 1950 that the new text barely resembles the original.

All superseding statutes and changes of former enactments tend to adjust the whole legal system to the political and economic order of the "People's Democracy" and its development toward Communism.

Furthermore, many other statutes have been enacted, apart from the codes and act as a supplement to the codes. This tends to make the application of the provisions of the codes illusory. For example, in the field of criminal law, the Criminal Code of 1932 and the statute of 1932 on misdemeanours, with amendments, are still in force. Also the Criminal Procedure Code of 1928 and its amendments have remained in force. However, the supplementary criminal legislation enacted by the present regime gives the Code and Statutes a completely different significance; for in-

stance, the Decree of 1946 on Criminal Acts Particularly Dangerous during the Period of National Reconstruction, the "Small Criminal Code", embodies a number of provisions of criminal law and provides that as long as these remain in force, the provisions of the Criminal Code of 1932 shall be suspended—insofar as they are regulated by this Decree. Again, under the provisions of the statutes of 1945, 1946 and 1950 relating to the organization and functions of the Special Board to Combat Abuses and Acts Harmful to the National Economy, confinement without trial in a labor camp is imposed for a broad and rather indefinite group of offenses by a Special Board and its provincial agencies, which are not courts. Almost any offense relating to the political, economic and social order may be brought under the jurisdiction of the Special Board. Not only persons guilty of common crimes, but anyone opposed to the regime may be labelled as "threatening the economic and social order," and may be subjected to the extraordinary jurisdiction of the Special Board. According to the broad formula of these statutes that offenses "detrimental to the economic and social life of the country" are within the purview of the Special Board, any criminal statute may be applied by the Board. Apart from the criminal statutes, a great number of other statutes regulating primarily economic matters provide punishment for violations of administrative regulations. Since these violations may also be classed as "detrimental to the economic and social life of the country," cases under these statutes may also be brought before the Special Board. Thus the Board may intervene in all phases of life. The law relating to the Special Board expressly states, contrary to the provisions of criminal procedure, that the proceedings in which confinement to a labor camp is imposed, be conducted without a defense counsel, that all decisions of the Special Board or its agencies are final, and that there is no appeal from them. Neither the Criminal Code, the Statute on misdemeanours, nor the Code of Criminal Procedure contain provisions relating to the jurisdiction of the Special Board. Furthermore, the Decree of 1945 on summary criminal proceedings provides that the Special Board may assign to the courts cases involving abuses and acts harmful to the national economy. Thus, even for an offense committed by a violation of an administrative regulation, a case may, through application of this provision, be brought under summary criminal proceedings where severe and excessive punishment may be imposed.

A further curtailment of civil rights has been brought about by a great number of statutes. In order to illustrate how deeply the latter affect such rights, a few examples may suffice: the statutes dealing with the nationalization of land, forests and industry, and the statute on the restriction of free disposition of raw materials, prefabricated and manufactured goods, indicate that the application of the provisions concerning property rights under the Civil Code is very limited. The Decrees of 1944, in particular, dealing with the enforcement of the

land reform program and the nationalization of forests provide for the transfer of land and forests to the State, without any compensation. The Statute of 1946 on the Nationalization of Industry provides that all principal branches of the national economy are to be owned by the State. The statute provides for expropriation with and without compensation. As a rule the compensation is made in the form of bonds. The Decree of August 5, 1949, restricting the free disposition of raw materials semi-manufactured, prefabricated and manufactured goods, together with a great number of executive orders issued in connection with this statute, prohibit the free disposition of all kinds of goods in almost all phases of economic life. Thus, legislation has introduced the socialist system of economy and socialist ownership of the instruments and means of production. Socialist property exists either in the form of State property or in the form of cooperative corporations.

V. SOURCES

Official Gazette and Journal of Laws

The principal sources of legal information in Poland are statutes (written law). These are published in two official periodicals, *Dziennik Ustaw Rzeczypospolitej Polskiej* (Journal of Laws of the Polish Republic) and *Monitor Polski-Dziennik Urzedowy Rzeczypos-politej Polskiej* (Official Gazette of the Polish Republic); since the promulgation of the new Constitution on July 23, 1952 the last two words in both titles were changed to read *Polskiej Rzeczypospolitej Ludowej,* i.e., the word "People's" was added. Only these two publications, hereinafter referred to as *Dziennik Ustaw* and *Monitor Polski,* contain the authoritative text of all enacted statutes. These publications appear irregularly.

The publication of both *Dziennik Ustaw* and *Monitor Polski* is regulated at present by the Statute of the Polish Republic of December 30, 1950 (*Dziennik Ustaw,* 1950, No. 58, Law No. 524), which repealed all previous legislation relative to their publication, and which took effect on January 1, 1951. According to Article 1, Section 1 of the Statute, *Dziennik Ustaw* is authorized to publish the following texts:

(1) Statutes and Decrees which have the full force of law.

(2) Ordinances issued by the President of the Republic, the People's State Council, the Council of Ministers, the Prime Minister, the Chairman of the National Economic Planning Board, and by the several Ministers, for the purpose of enforcing statutes or decrees according to the authority delegated therein.

(3) Agreements concluded between Poland and other countries, and Government announcements as to the binding force of such agreements, their ratification, and the participation of other countries in such agreements.

(4) Announcements by the Prime Minister regarding decrees which have lost their binding force, either because they were not submitted to the *Sejm* (the legislative assembly of Poland) for approval, or because the *Sejm* declined to approve them.

Other enactments may be published in *Dziennik Ustaw* only when a specific provision is made in a separate legislative act.

According to Article 2, Section 1 of the Statute, *Monitor Polski* is authorized to publish the following:

(1) Executive orders and Decisions of the President of the Republic.

(2) Resolutions of the People's State Council, the Council of Ministers, and the Presidium of the Government.

(3) Orders of the supreme Government authorities and central governmental offices, issued for the purpose of enforcing statutes and decrees with reference to the authority delegated therein.

(4) Other regulations, decisions, instructions, circulars, and announcements of the supreme Government authorities and central governmental offices.

Legislative acts are published in *Monitor Polski* if this is specifically required by law or if the particular office which issued the legal act, deems it necessary. Legal rulings of authorities and offices and announcements made by institutions and individual persons are also printed in *Monitor Polski* when the law provides for their publication. Still other legal provisions may be published in *Monitor Polski* if the Prime Minister so orders.

Each issue of *Dziennik Ustaw* and of *Monitor Polski* is dated. This date is considered to be the date of publication of the material included in the issue. Legal provisions published in *Dziennik Ustaw* and *Monitor Polski* take effect on the day of their publication, unless another effective date is stated in the particular act.

The publication of both *Dziennik Ustaw* and *Monitor Polski* falls under the jurisdiction of the Prime Minister of the Polish Republic. Both *Dziennik Ustaw* and *Monitor Polski* are edited by the Legislative Office of the Presidium of the Council of Ministers.

Monitor Polski is divided into two parts, parts A and B. Provisions containing general rules are published in Part A. All other provisions, decisions, statements, and announcements of authorities, offices, and institutions are published in Part B in a subdivision entitled Official Section.

Each issue of *Dziennik Ustaw* and *Monitor Polski* is numbered consecutively throughout the year (*numer*), but also all laws and decrees which appear in the publications are numbered consecutively throughout each year (*pozycja*). It is customary to cite the laws and decrees by these item numbers (*pozycja*) rather than by issue numbers.

Prior to the enactment of the Statute of December 30, 1950, the system of publishing legal provisions was similar to the one in effect today; very few changes were introduced by this particular statute. Provisions enacted between August 16, 1919 and January 1, 1951, were promulgated in *Dziennik Ustaw*. Laws enacted before August 16, 1919, were published—from February 1, 1918 until November 5, 1918—in *Dziennik Ustaw Krolestwa Polskiego* (Journal of Laws of the Polish Kingdom) and from November 8, 1918 and later in *Dziennik Ustaw Panstwa Polskiego* (Journal of

Laws of the Polish State). Alphabetical subject indices have been published every six or twelve months for the period ending June or December. Besides these official indices, semi-official and cumulative indices covering periods of several years have been issued. Recent volumes cover the period from the rebirth of Poland in 1918 up to the present date.

The question may arise as to whether laws enacted prior to World War II are recognized under the present regime. No statute deals with this problem in particular. However, from various official statements by political leaders and interpretations by legal writers the following rather vague principles may be deduced.

The present government has, in general, recognized legal provisions effective in Poland before the start of World War II on September 1, 1939, although the Constitution of 1935 and the provisions based thereon and issued subsequently in enforcement of its principles are considered invalid. Provisions inconsistent with the principles of the new order have also been repealed by implication; it is a matter of interpretation to determine which of the previous provisons are no longer binding. In any event, provisions incompatible with the present social, economic, and political order in Poland, are not applied—even if they have not been repealed. Although the Constitution of 1935 has been rejected as "fascist", laws issued during the period when it was in effect are considered valid, unless they have been repealed by implication or by laws promulgated after July 21, 1944.

Apart from this question, there is still another problem. Does the present regime recognize laws enacted by the German occupants during World War II and laws enacted by the Polish Government in Exile after the beginning of World War II—prior and subsequent to the establishment of the *People's Poland* (July 21, 1944)?

The laws enacted by the Germans during the occupation of Poland are considered invalid even though they have not been repealed by statute.

The laws issued by the Polish Government in Exile are according to the constitutional conceptions prevailing in the *People's Poland* not valid in the territory of the Polish Republic.

Decisions, Interpretations and Rulings of the Supreme Court.

Decisions of the Supreme Court may be considered legal sources to a certain extent. These decisions have been rendered in cases before the Supreme Court upon appeal. They contain basic legal rules and are published by the Reporting Bureau of the Supreme Court, under the title *Zbior Orzeczen Sadu Najwyzszego* (Collection of Decisions of the Supreme Court). Decisions of the Civil Division (*Izby Cywilnej*) and of the Criminal Division (*Izby Karnej*) have been published separately. In addition to these official collections, selected decisions of the Supreme Court and other courts are reported in a private publication entitled *Orzecznictwo Sadow Polskich*. The Official collections were already published before World War II, but during the War and afterwards until 1945 these

publications were suspended. The publication of the Official Collection was resumed with issue No. 1 (*zeszyt* 1) covering the years 1945 and 1946. Before World War II, there were also collections of decisions relating to special subjects.

The Polish Supreme Court consists of the Chief Justice, presiding justices, and a large number of justices, who hear cases in one of the two divisions, the Civil Division and the Criminal Division. Both of these divisions are subdivided into trial benches, each having, as a rule, three Justices before whom individual cases are heard. These trial benches may submit doubtful legal questions for decision to another bench in the same division having seven justices. The decision rendered by these seven justices may be entered in a special Record Book of legal principles kept separately in each division. If another trial bench in the division intends to deviate from a decision in the Record Book, the matter is submitted to the plenary session of all justices of the division and their decision is also recorded in the Record Book. If a trial bench of one division intends to deviate from a decision entered in the Record Book of the other division, the matter is submitted to the plenary session of all the justices of the division and their decision is recorded in the Record Book. If a trial bench of one division intends to deviate from a decision entered in the Record Book of the other division, the matter is submitted to the plenary session of all the justices of the Polish Supreme Court. The decision of the plenary session is entered in the Record Book of each division; this decision may be overruled only by another plenary session of the Supreme Court (see Section 25 of the Statute of February 6, 1928, republished in an amended form in the announcement of the Minister of Justice of August 16, 1950, *Dz. U.* 1950, No. 39, Law No. 360). All the decisions establishing legal principles are published by the Reporting Bureau of the Supreme Court in the Collection of Decisions of the Supreme Court.

Interpretations may also be made by plenary sessions of each division, upon motion of the Minister of Justice, the Chief Justice, and the justice presiding over the division—the legal provisions of which are under question or the application of which caused dissension in judicial practice. These interpretations are also entered in the Record Books and published by the Recording Bureau (Sections 26 and 27).

Under an important innovation introduced in 1950 the plenary session of the Supreme Court or the plenary session of a whole division may issue rulings concerning court practice and the administration of justice. The purpose of these rulings is to make uniform the application of law in the decisions of all courts and to enable all courts to conform with the principles of law established in the *People's Poland*. Violation of the rulings of the Supreme Court may be a ground for appeal. These rulings of the Supreme Court are published by the Minister of Justice in *Dziennik Urzedowy Ministra Sprawiedliwosci* (Official Gazette of the Ministry of Justice).

VI. COMPREHENSIVE PUBLICATIONS

Systematyczny Przeglad Ustawodawstwa Polski Odrodzonej, Ustawy, Dekrety, Rozporzedzenia, Okolniki, Wyjasnienia (Systematic Compilation of Basic Postwar Legislation from 1944-1946). Krakow, Spoldz, Wydaw, Czytelnik, 1946. 837 pages.

Prawo Cywilne, Zunifikowane (Uniform Civil Law). *Przepisy ogolne, prawo osobowe, prawo malzenskie osobowe i majatkowe, prawo rodzinne, prawo opiekuncze, prawo rzeczowe i prawo o ksiegach wieczystych, prawo spadkowe wraz z przepisami wprowadzajacymi.* Wyd. 2, Warszawa, 1949, Wydawn. Min. Sprawiedliwosci. 136 pages.

Although the various topics are regulated in separate decrees, they are, in principle, considered together with the law of obligations as the Polish Civil Code. The Family Law of June 27, 1950, superseded the decrees on marriage, parents and children (*Prawo Rodzinne*) and on guardianship.

Kodeks postepowania niespornego (Non-adversary proceedings) *oraz regulaminy i okolniki, Wg. stanu nadzien 1.1. 1951.* Warszawa, 1951, Nakl. Min. Sprawiedliwosci. 161 pages.

Kodeks Karny i Prawo o Wykroczemach. Wazniejsze Ustawy Zwiazkowe (Criminal Code and Supplementary Criminal Legislation) Warszawa, 1950, Wydawn. Min. Sprawiedliwosci. 181 pages.

VII. POLISH PUBLICATIONS IN ENGLISH

English summaries in *Panstwo i Prawo* (State and Law, monthly review published by the Polish Lawyers Association).

English and French texts in *Zbior Dokumentow* (Collection of documents on International agreements) pod readkcja Juliana Makowskiego. Warszawa, 1946.

Legislation of Poland—Statutes, Laws, Decrees, Ordinances, Official Regulations and Excerpts from Motivations and Speeches. Warsaw, Bureau of the Legislative Sejim, 1949. 2 v.

Review of Polish Law (quarterly). Warsaw, Ministry of Justice, Foreign Relations Department, 1947-1950. (Eleven issues have appeared. No longer published).

VIII. NON-POLISH PUBLICATIONS

Andrejew, J., L. Lernell and J. Sawicki. *Das Strafrecht der Volksrepublik Polen. Grundriss des allgemeinen Teils.* Berlin, 1952.

Fedynskyj, Georg. *Polnisches Erbrecht* in 69 *Juristische Blätter* 194 (1947).

Fedynskyj, Georg. *Polnisches Eherecht* in 69 *Juristische Blätter* 302 (1947).

Fedynskyj, Georg. *Polnisches Personenrecht* in 69 *Juristische Blätter* 394 (1947).

Fedynskyj, Georg. *Polnisches Familienrecht* in 70 *Juristische Blätter* 206 (1948).

Geilke, Georg. *Das Staatsangehörigkeitsrecht von Polen.* Berlin, 1952.

Jodlowski, Jerzy. *Le nouveau droit de la famille en Pologne* in (1949) *Revue Internationale de Droit Comparé* 67.

Kuratowski, R. K. *Torts in private international law* in 1 *International Law Quarterly* 172 (1947).

Martius, G. *Polnisches Verfassungsge-*

setz vom 19. Februar 1947 in 74 *Archiv des öffentlichen Rechts* 478 (1948).

Podlaski, Henryk. *Über die aktuellen Aufgaben der Staatsanwaltschaft des volksdemokratischen Polen* in 5 *Neue Justiz* 54 (1951).

Stembrowicz. *Die Verfassung der polnischen Volksrepublik* in 6 *Neue Justiz* 599 (1952).

Abstracts of Polish laws are published from year to year in the *Lawyers Directory* and in *Martindale—Hubbell Law Directory*.

Conventions and Officers: A Chronicle

by JOHN W. HECKEL, *Reference Librarian*
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When the Forty-sixth Annual Meeting of the American Association of Law Libraries opens on July 6 at the new Los Angeles Statler, it will be the third time that Southern California has hosted law librarians. In 1911, the Music Room and the big fig trees of the Hotel Maryland on Green Street in Pasadena sheltered delegates of the sixth convention.

Nineteen years later the impressive, sedate Biltmore Hotel on Pershing Square was the center of the silver jubilee convention. The Los Angeles convention of 1930 was one of restrospect and vision. Harry Hollzer, later a federal court judge, spoke on service in law libraries. Frederick M. Schenk of the University of Chicago functioned as president. Franklin O. Poole spoke on the Index to Legal Periodicals. At the Chateau Lamartine on Normandie a reception was held honoring past presidents. Letters were read from A. J. Small, Ernest A. Feazel and other past officers. George S. Godard and Andrew H. Mettee spoke on the future and the potentialities of law libraries. The eternal problems of cataloging, looseleaf services and professional cooperation occupied the delegates. A joint banquet was held with the National Association of State Libraries. For tourist interest, there was a visit to the Paramount Studios in Hollywood, where a scene from a motion picture was shot and the group gathered to have its picture taken.

As with clothes and food, convention sites are subject to changes in fashion. Earlier conventions were held in conjunction with the meetings of the American Library Association and National Association of State Libraries. Gradually the Association grew so large that independent conventions became the rule.

Bretton Woods, Asheville, Mackinac Island and Lake Minnetonka were magic names to lure prospective delegates in the early days. Sometimes there were disappointments. In 1913, too many delegates, too small a hotel, and food of too poor a quality meant an unhappy time in the Catskills of New York.

Over the years, the tendency has been to hold conventions in big cities rather than in small resorts. Seattle, New York City, New Orleans, Boston, Detroit, St. Louis and Toronto have welcomed gatherings. There, resources of large libraries are available for inspection and information. Time is spent in touring the historic landmarks of the surrounding countryside. Of the 45 conventions, only ten have been held west of the Mississippi. Four have been held in the

South, nine in the Midwest, while the biggest percentage, 17 have been held in the Atlantic East. Signifying the cooperation and contribution of Canadian law libraries, Toronto, Ottawa and Montreal have hosted five conventions.

The annual conventions have been a focal point in the development of the law library profession in the United States. From the small group of amateurs who met in the parlor of the Hotel Mathewson on the Narragansett pier in 1906, the tools and ideas which have strengthened and given growth to the profession were originated.

The Law Library Journal, the forum of ideas, was to become the medium of an expanding profession. Where once the journal was only a report of the proceedings of the annual meeting, the proceedings now occupy only one issue of the whole volume. Bibliographies, checklists, historical and critical articles contribute to the advancement of law librarians. Instead of relying on individual experience alone, ideas are pooled and exchanged for mutual betterment.

The first convention saw the start of the committee system by which the work of the Association is carried on in the period between the conventions. Though few in number, the first committees handled problems such as labor-saving devices, binding and exchange of materials.

The Index to Legal Periodicals, at once both the *enfant terrible* of the profession and yet its most useful tool, was started at the first convention. The days following the third convention at Lake Minnetonka were spent with the preparation of the first issue. There was little vision then of the growth of the law schools and law reviews which would be encompassed and reflected in the *Index* over the years.

In the year following the Narragansett convention membership grew from 24 to 75. Forty-seven years ago law librarians were faced with only 1,500,000 reported cases in 15,000 volumes of reports. Today, those figures are multiplied in geometric proportions. But the pattern established at the early conventions is still maintained. There are the same problems of the *Index*, binding, the function of law libraries, and the education of law librarians, cataloging, session law bibliographies, and checklists still occupy delegates.

Through the convention proceedings the life history of a professional career can be traced. First, there is an entry in a registration list, then a committee assignment; later, a librarian's move from one library to another is noted. A paper is prepared and delivered, sometimes election to office is noted, and then, with ultimate finality—an obituary.

If conventions were devoted only to scholarly dissertations and professional advancement, they would be boring indeed. Against a background of committee meetings and convention sessions, notes are compared, advice is exchanged, opinions are formulated, and job interviews are held. Friends who have not seen each other for a year gather for long conversations. The magic of an unknown scenery and refreshing climate is explored.

Soon, and all too soon, the annual banquet and closing session are over, the tasks of routine work beckon again. But routines take on a new face in the light of the sober thought of convention discussions and teachings, and the Local Arrangements Committee's pre-convention hustle and bustle, ever striving for a bigger and better Convention, was not in vain.

PLACES OF MEETINGS SINCE ORGANIZATION

Date	*Place*	*Proceedings*
1 July 2, 1906	Narragansett Pier, Rhode Island	
2 May 24-28, 1907	Asheville, North Carolina	1 LLJ 1-29
3 June 22-24, 1908	Lake Minnetonka, Minnesota	1 LLJ 33-39, 41-80
4 June 28-July 3, 1909	Bretton Woods, New Hampshire	2 LLJ 11-83
5 July 2-6, 1910	Mackinac Island, Michigan	3 LLJ 13-48
6 May 18-24, 1911	Pasadena, California	4 LLJ 15-37
7 June 26-July 2, 1912	Ottawa, Canada	5 LLJ 7-53
8 June 24-28, 1913	Hotel Kaaterskill, Catskill Mts., New York	6 LLJ 22-58
9 May 25-26, 1914	Washington, D. C.	7 LLJ 1-82
10 June 3-5, 1915	Berkeley, California	8 LLJ 9-79
11 June 27-29, 1916	Asbury Park, New Jersey	9 LLJ 37-80, 89-127
12 June 23-27, 1917	Louisville, Kentucky	10 LLJ 31-41, 51-64
13 July 1-7, 1918	Saratoga Springs, New York	11 LLJ 51-69, 79-82
14 June 24-26, 1919	Asbury Park, New Jersey	12 LLJ 21-36, 43-75, 81-101; 13 LLJ 6-9.
15 June 2-7, 1920	Colorado Springs, Colorado	13 LLJ 21-56, 57-69; 14 LLJ 7-22.
16 June 21-24, 1921	Swampscott, Massachusetts	14 LLJ 23-58, 63-81, 87-96; 18 LLJ 44-54.
17 June 26-July 1, 1922	Detroit, Michigan	15 LLJ 28-38, 43-56, 61-78; 16 LLJ 15-23.
18 April 24-28, 1923	Hot Springs, Arkansas	16 LLJ No. 4 5-61
19 July 1-3, 1924	Saratoga Springs, New York	17 LLJ 3-39, 43-51; 18 LLJ 7-44
20 July 7-9, 1925	Seattle, Washington	18 LLJ 59-84, 90-146, 154-157; 19 LLJ 2-14, 26-35.
21 October 4-9, 1926	Atlantic City, New Jersey and Philadelphia, Pennsylvania	19 LLJ 42-79, 90-121; 20 LLJ 3-12.
22 June 21-23, 1927	Toronto, Canada	20 LLJ 17-60, 66-84, 91-99.
23 May 29-June 1, 1928	French Lick, Indiana	21 LLJ 21-60, 66-110, 22 LLJ 2-21, 41-56
24 May 13-17, 1929	Washington, D. C.	22 LLJ 61-92, 102-125; 23 LLJ 2-27, 45-72.
25 June 24-27, 1930	Los Angeles, California	23 LLJ 117-145; 24 LLJ 1-24, 47-64, 95-120
26 June 22-26, 1931	New Haven, Connecticut	24 LLJ 131-168, 25 LLJ 1-72, 79-126
27 April 25-29, 1932	New Orleans, Louisiana	25 LLJ 133-253, 259-277
28 October 16-20, 1933	Chicago, Illinois	26 LLJ 52-135
29 June 25-30, 1934	Montreal, Canada	27 LLJ 51-189, 191-216
30 June 24-29, 1935	Denver, Colorado	28 LLJ 81-288, 291-338
31 August 20-22, 1936	Cambridge, Massachusetts	29 LLJ 95-257

PLACES OF MEETINGS SINCE ORGANIZATION—*(Continued)*

Date	*Place*	*Proceedings*
32 June 21-26, 1937	New York, New York	30 LLJ 261-488
33 June 28-July 1, 1938	St. Paul, Minnesota	31 LLJ 169-334
34 July 5-8, 1939	San Francisco, California	32 LLJ 207-398
35 June 26-29, 1940	Toronto, Canada	33 LLJ 169-384
36 June 27-30, 1941	Old Point Comfort, Virginia	34 LLJ 159-309
37 June 22-25, 1942	Milwaukee, Wisconsin	35 LLJ 251-465
38 June 27-28, 1945	Rochester, New York	38 LLJ 61-159
39 June 24-26, 1946	St. Louis, Missouri	39 LLJ 73-241
40 June 23-26, 1947	Santa Fe, New Mexico	40 LLJ 113-225
41 June 21-29, 1948	New York, New York	41 LLJ 161-344
42 June 27-30, 1949	Detroit, Michigan	42 LLJ 101-248
43 July 24-27, 1950	Seattle, Washington	43 LLJ 141-359
44 June 25-28, 1951	Boston, Massachusetts	44 LLJ 119-293
45 July 7-10, 1952	Toronto, Canada	45 LLJ 206-502

OFFICERS OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES SINCE ORGANIZATION

LIST OF PRESIDENTS

Name	*Year*	*State*
A. J. Small	1906-07 and 1907-08	Iowa
E. A. Feazel	1908 and 1909-10	Ohio
George S. Godard	1910-11 and 1911-12	Connecticut
Franklin O. Poole	1912-13 and 1913-14	New York
E. J. Lien	1914-15 and 1915-16	Minnesota
Luther E. Hewitt	1916-17	Pennsylvania
Edward H. Redstone	1917-18 and 1918-19	Massachusetts
Frederick C. Hicks	1919-20 and 1920-21	New York
Gilson G. Glasier	1921-22	Wisconsin
Andrew H. Mettee	1922-23 and 1923-24	Maryland
Sumner Y. Wheeler	1924-25 and 1925-26	Massachusetts
John T. Fitzpatrick	1926-27 and 1927-28	New York
Frederick W. Schenk	1928-29 and 1929-30	Illinois
Rosamond Parma	1930-31 and 1931-32	California
S. D. Klapp	1932-33	Minnesota
John T. Vance	1933-34	District of Columbia
Eldon R. James	1934-35	Massachusetts
William R. Roalfe	1935-36	North Carolina
Fred Y. Holland	1936-37	Colorado
James C. Baxter	1937-38	Pennsylvania
Helen S. Moylan	1938-39	Iowa
Arthur S. Beardsley	1939-40	Washington
Lewis W. Morse	1940-41	New York
Sidney B. Hill	1941-42	New York
Bernita J. Long	1942-43	Illinois
Alfred A. Morrison	1943-44	Ohio
William S. Johnston	1944-45	Illinois
Miles O. Price	1945-46	New York
Laurie H. Riggs	1946-47	Maryland
Arie Poldervaart	1947-48	New Mexico
Hobart R. Coffey	1948-49	Michigan
Helen Newman	1949-50	District of Columbia
Jean Ashman	1950-51	Illinois
George A. Johnstone	1951-52	Ontario, Canada
Forrest S. Drummond	1952-53	California

LIST OF VICE-PRESIDENTS

Name	*Year*	*State*
Andrew H. Mettee	1906-07 and 1907-08	Maryland
George S. Godard	1908-09	Connecticut
Gertrude E. Woodard	1909-10	Michigan
Luther E. Hewitt	1910-11	Pennsylvania
Frederick W. Schenk	1911-12, 1912-13 and 1913-14	Illinois
Gertrude E. Woodard	1911-12	Michigan
M. C. Klingelsmith	1912-13	Pennsylvania
O. J. Field	1913-14	District of Columbia
C. Will Shaffer	1914-15 and 1915-16	Washington
Maud B. Cobb	1914-15	Georgia
Frances A. Davis	1915-16	Wyoming
J. P. Robertson	1916-17	Manitoba, Canada
Mary K. Ray	1916-17	Nebraska
Edwin H. Gholson	1917-18	Ohio
Susan A. Fleming	1917-18	Kentucky
John T. Fitzpatrick	1918-19	New York
Agnes R. Wright	1918-19	Wyoming
Sumner Y. Wheeler	1919-20 and 1920-21	Massachusetts
Mary K. Ray	1919-20 and 1920-21	Nebraska
Andrew H. Mettee	1921-22	Maryland
Maud B. Cobb	1921-22	Georgia
Edwin H. Gholson	1922-23	Ohio
W. F. Marshall	1922-23	Mississippi
Con P. Cronin	1923-24	Arizona
Josephine Norval	1923-24	Minnesota
Ralph H. Wilkin	1924-25 and 1925-26	Illinois
Olive C. Lathrop	1924-25	Michigan
W. J. Millard	1925-26	Washington
John J. Daley	1926-27 and 1927-28	Toronto, Canada
W. F. Marshall	1926-27	Mississippi
Aice M. Magee	1927-28, 1928-29, 1932-33 and 1933-34	Louisiana
Percy A. Hogan	1928-29	Missouri
S. D. Klapp	1929-30 and 1930-31	Minnesota
Helen S. Moylan	1929-30, 1935-36 and 1936-37	Iowa
Thomas W. Robinson	1930-31	California
John T. Vance	1931-32 and 1932-33	District of Columbia
Arthur S. McDaniel	1931-32	New York
Hobart R. Coffey	1933-34	Michigan
William R. Roalfe	1934-35	North Carolina
Fred Y. Holland	1934-35 and 1935-36	Colorado
James C. Baxter	1936-37	Pennsylvania
Arthur S. Beardsley	1937-38	Washington
Bernita J. Long	1937-38	Illinois
Lewis W. Morse	1938-39	New York

LIST OF SECRETARIES

Name	*Year*	*State*
Franklin O. Poole	1906-07 to 1911-12	New York
Gertrude E. Woodard	1912-13 to 1916-17	Michigan
Elizabeth B. Steere	1917-18 and 1918-19	Michigan
Agnes Wright	1919-20 and 1920-21 (Resigned)	Wyoming
Mary S. Foote	(1920-21), 1921-22 and 1922-23	Connecticut
Robbie M. Leach	1923-24	Tennessee
Mary S. Foote	1924-25 (Died Sept. 30, 1924)	Illinois
Lucile Vernon Clark	(1924-25) to 1928-29	New York
Arthur S. McDaniel	1929-30 and 1930-31	New York
Lotus Mitchell Mills	1931-32 and 1933-34	New York
Helen Newman	1934-35 and 1943-44	District of Columbia
Helen M. S. Helmle	1945-46 and 1946-47	New York
Margaret E. Coonan	1947-48 to 1951-52	Maryland, New Jersey
Frances Farmer	1952-53	Virginia

LIST OF TREASURERS

Name	*Year*	*State*
Franklin O. Poole	1906-07 to 1910-11	New York
E. Lee Whitney	1911-12 to 1913-14	Vermont
Edward H. Redstone	1914-15 to 1916-17	Massachusetts
Maud B. Cobb	1917-18	Georgia
Anna M. Ryan	1918-19 to 1922-23	New York
Sumner Y. Wheeler	1923-24	Massachusetts
Mary S. Foote	1924-25 (Died Sept. 30, 1924)	Illinois
Lucile Vernon Clark	(1924-25), 1925-26 to 1928-29	New York
Arthur S. McDaniel	1929-30 and 1930-31	New York
Lotus Mitchell Mills	1931-32 to 1933-34	New York
Helen Newman	1934-35 to 1943-44	District of Columbia
Helen M. S. Helmle	1945-46 and 1946-47	New York
Margaret E. Coonan	1947-48	Maryland
Elizabeth Finley	1948-49 to 1952-53	District of Columbia

Gray's Inn and Its History

by WILLIAM HOLDEN, *Librarian*

Gray's Inn

The first question one is usually asked by visitors to our Inn is: which is the oldest Inn of Court? Without hesitation one can say that as there are no records extant we have no means of proving the antiquity of any of them.

There are four Inns of Court, namely Gray's Inn, The Inner and Middle Temples and Lincoln's Inn, all equal in status and quite independent bodies. Although not considered universities, they are undoubtedly Universities of Law, as one of their main functions is to receive, train and assist students in their preparation for a career of law, and thereafter to maintain and foster a comradeship amongst members. Facilities are provided both for work and recreation, in Gray's for example; we have our library, now in process of rehabilitation, after its complete destruction by enemy action in 1941 and its use by a field club, the Moot Society and others.

The Inns of Court do not, however, cater to solicitors; the latter are members of The Law Society.

There is no residential accommodation and it is here that the Inns differ mostly from a university and, I believe it is correct to say that the fact that there is no residential accommodation is the main reason for the regulation that during the Dining Terms all students must eat six dinners in the Hall unless they be members of a University in which case the number of dinners is three. This practice is known as Keeping Term, and there are four terms a year, namely Hilary, normally from the middle of January to the end of the first week in February; Easter, commencing about the last week in April and ending in the middle of May; Trinity, from the middle of June to the first week in July; and lastly Michaelmas which begins and ends in November. Students have to keep twelve terms before they are eligible for Call to the Bar, but under very special circumstances exemption from one or two terms may be granted.

One day in each term is set apart for calling those qualified to the Bar and is known as Call Day.

The ceremony of calling students to the Bar is one of simplicity, but is rather effective. Each student is presented in turn, according to his or her seniority, to the Treasurer of the Inn who shakes the hand of the student saying "I hereby call you to the Bar and do publish you Barrister." This ceremony takes place in Hall where a special table is laid for the newly called barristers, and during dinner

the Treasurer toasts the newly-called with "Mr. Junior, the Newly-Called." After Grace has been said at the conclusion of dinner, the Bench retire and ancient custom then prevails in Hall; after several vain attempts to attract the attention of Mr. Senior, Mr. Junior obtains permission to smoke. Then, pandemonium (for want of a better phrase) breaks out. It is the custom for Mr. Senior (the senior barrister dining) to propose again the health of the newly-called barrister and afterwards for each Mr. Senior in turn to make a speech of acknowledgment. Speeches are rarely completely delivered; for either by collusion with their friends or by custom the speaker is shouted down and counted out almost as soon as he rises to speak.

None of the Inns hold a charter and consequently they have no public records. They are and always have been purely private societies. Chaucer in his Canterbury Tales makes it abundantly clear that there existed a company of lawyers in the Temple in the latter part of the 14th century. There is also evidence that there were, what was known as Legal Hospices outside the City Gates in the year 1350. The Black Books of Lincoln's Inn mention the early 15th century as being the earliest in relation to that Inn. Dugdale says in his *Originales* "that before 1292 no legal hospices existed."

It does seem certain, however, that by the middle of the 15th century all the Inns of Court were firmly established in their present positions. So much for a very brief survey by way of introduction of a general character; now, to more domestic matters.

As I have already mentioned, there are no records in existence to prove our date of orgin, and it appears that the more one reads the more confused the issue becomes. As far as Gray's Inn is concerned, I believe the explanation to be, that all our records were destroyed in the fire in January 1683/4. I would mention here that on the same floor of No. 1, Gray's Inn Square immediately opposite the Library were the chambers of Sir Francis Bacon. In the Harleian MS 1094 at folio 75, as quoted by Mr. Douthwaite in his book entitled *The History and Associations of Gray's Inn*, there appears the following passage: "One Ralph Andrewe 2 sonne of Thomas Andrewe of Carliel was a Bencher in the year 1311." Again in the Harleian MS No. 12, upon the same subject we read of Gray's Inn as an Inn of Court before 1370, and in the same volume there is a list of members; the first name to appear on that list is that of James Skipwith, Justice of the Common Pleas. So, despite the confusing data, it seems safe to say that Gray's Inn existed in the early 14th century.

Another question that all visitors to Gray's Inn seem to ask is: why is it called Gray's Inn? Here we can be quite definite; for the actual title comes from the Greys of Wilton, and for some time the Arms of the Society were those of the Greys; later they were changed to those of the Griffen which is, of course, the Arms of Gray's Inn today. We also know that Gray's Inn was the Inn or Hospitium or Dwelling of the Greys of Wilton, and it stood upon what was known as the Manor of Portepool or as it was al-

ternatively known, Purpool. Gray's Inn, as is the case of all the Inns of Court, is governed by the Masters of the Bench, and when they sit as the governing body, they are said to sit in Pension. Benchers are elected from members of the Bar, who must, of course, he members of the Inn, as and when the Bench deem necessary. There are also a number of Honorary Benchers, the most recent being Justice Felix Frankfurter, of the Supreme Court of the United States. Other famous names that appear on our honorary Bencher's list are the Duke of Gloucester, Winston Churchill, and the late President of the United States, Franklin D. Roosevelt. Among ancient members are to be found the names of Lord Burghley, Nicholas and Francis Bacon, Samuel Romilly, Phillip Sydney and numerous others, all famous in the annals of English history.

It may not be out of place to mention the lighter side of the student life in Gray's Inn, lest readers be of the opinion that it is "all work and no play." Undoubtedly the center of the domestic life of the Inn is the Hall, of which I shall say more later on. Next, as far as the lighter side is concerned, the Common Room should be mentioned. Here the students find relaxation from study in the Library and can pass a pleasant half-hour with chess, draughts or dominoes, and enjoy such light refreshments as he or she may desire; all daily newspapers and some weekly magazines are available. In fact, the Common Room is, one might almost say, the students' Club Room. To assist in the legal instruction, Junior Moots are held during each term in the Common Room and Senior Moots in Hall, and the Gray's Inn Debating Society holds meetings every Friday except during vacations. Incidentally, visitors are always welcome to all Debates and to take part in the Debates from the floor of the House. Then, there are annual functions which are held by the various societies and include the Annual Ladies Night, the Field Club Ball and the Smoking Concert.

There are what might be termed three main buildings in the Inn: the Hall, the Library and the Chapel all of which were destroyed by enemy action in World War II. Of these three, the Hall has now been completely restored and was, in fact, opened on December 5, 1951.

The Hall thus rebuilt was the Hall in which Francis Bacon dined and revelled and in which Burleigh and many other great Elizabethans were entertained and in which William Shakespeare saw the performance of the *Comedy of Errors in* 1594. In the year 1826 it was decided to effect certain repairs to the Hall. The following is an extract from a very long and not altogether favorable criticism that appeared in the *Gentleman's Magazine* of that year:" The edifice that demanded the present notices is the fine old Hall of Gray's Inn. Until the late repairs it was almost a perfect specimen of the architecture of the period. The walls were built with dark red brick; the mullions and labels of the large square windows, and some other particulars, being constructed of stone. The principal gables were marked by the ascend-

ing battlements, resembling steps, peculiar to the period, also worked in brick, the lateral walls being finished with plain parapets. The roof was tiled; from the ridge about the centre rose a lantern of wood, of an octangular form, and finished with a leaden cupola. Although this appendage was rather heavy and the lightness of the pointed style had been almost disregarded in its construction, it was valuable to the antiquary as an original work. As a perfect specimen of the latest species of pointed architecture this old Hall was greatly to be admired."

The writer, then, goes on to describe the so-called improvements: "The walls are being covered with compo, thereby gaining a smooth and even surface at the expense of the curious brickwork which I noticed as existing on the gables. Battlements of this modern kind, such as are to be seen on many stables, and other mean appendages to dwelling houses, which the taste of the builders has erected in the 'Gothic Style' are being tacked on to the side walls. The roof has been stripped and slate substituted for tiles, and to crown the whole a wooden lantern, of an entire new design, and much resembling a pigeon house, substituted for the ancient one."

At the West end of the Hall is a beautifully carved oak screen which, according to legend, was presented by Queen Elizabeth. The greater part of the screen was saved from destruction and the reproduction of the lost parts is perfect and a fine example of craftsmanship. Fortunately we had removed the stained glass, the valuable pictures and the shields of past Readers and Treasurers that adorn the walls. Therefore, except for the new Oriel window, the gift of the American Bar Association, and the all too apparent newness, the reconstruction is a perfect replica of our Hall as we knew it before its destruction.

CURRENT COMMENTS

The *American Bar Association* has announced plans for the building of new headquarters and a Service Center; the latter is scheduled to house a library of publications of State and local bar associations and other units of the organized bar. It is hoped that this collection will eventually comprise similar publications of bar organizations in foreign countries. A second building will eventually provide facilities for the work of the Sections and Committees of the association and serve as a clearing house for studies by other groups, including State and local bar associations and law schools. Contributions totalling $1,500,000 are being solicited from members of the bar for the partial financing of the building program; another $500,000 are available from a bequest of William Nelson Cromwell. The University of Chicago has donated the building site. An additional $1,500,000 are solicited from sources outside the legal profession for the financing of the contemplated activities.

In the 58th volume of *American Book-Prices* Current, 18,000 literary items are listed which were sold at auctions between August 1951 and July 1952. Among the law books, low prices are reported for some items such as the first edition of Blackstone's Commentaries ($85), the Journal of the first session of the Legislature of California ($18), the compiled Acts of Connecticut of 1784 ($6), and New York City laws and ordinances of 1797 ($8). Many early American session laws and reports of 18th century trials are reported at prices between $ 6 and $ 7. Bradford's edition of New York acts of 1726 is one of the most important legal items which are listed. Legal Lincolniana reached prices which have no relation to the value of the books as law books. On the whole, this volume of *American Book-Prices Current* confirms the opinion that law books (excepting association items) do not appeal to the general book collector as much as many other types of books do and that alarmist views concerning the disappearance of early law books from the market are not supported by facts.

New evaluation figures for public library books were published by the *American Library Association Committee on Insurance for Libraries* in the February issue of the ALA Bulletin. Of interest to law librarians is the amount of $6.48 for reference books and $4.25 for periodicals and documents.

Andriot Index Service (3301 20th Road N., Arlington, Va.) has announced a cataloging service for United States Government documents; as a part of this project, all new Superintendent of Documents classification numbers, notifications of discarded series and authority cards for all new and superseding agencies will be issued on cards which resemble Library of Congress cards. It is estimated that between 500 and 600

cards will be issued in 1953. The yearly subscription price is $15.00.

The newly established *Canadian National Library* will be headed by Dr. William Kaye Lamb, at present Dominion Archivist and chairman of the National Library Advisory Committee of the Canadian Government. A site has been chosen for the library in Ottawa between the Parliament Building and the Supreme Court of Canada and plans are under consideration for a building which will cost approximately 5 million dollars. The first unit of the National Library is already in existence and is the Canadian Bibliographic Centre. This Centre has organized two projects—the microfilming of the card catalog of all major public and private Canadian collections and the establishment of a current national bibliography in its monthly *Canadiana*. Approximately 2,500,000 books have already been cataloged. A considerable portion of the general collection of the Library of Parliament will be transferred to the National Library.

The *Chicago Association of Law Librarians* held its winter meeting on January 23, 1953. Professor Margaret Egan, of the University of Chicago Graduate Library School, who is interested in training for special library work, was the speaker. She mentioned that library education must be considered from both the theoretical and technological points of view and at two different levels. There are principles and there are practices which are common to all libraries, and these should form the common core of knowledge required of all professional librarians. At the second level, there are, according to Professor Egan, principles and practices common to a particular group of libraries (or subject fields), but different from those of other fields. These, coupled with an adequate knowledge of the relevant subject field, are the contents of specialized courses. Education for librarianship, then, should include the common core plus further training both in the law and in the particulars of library theory and practice. Such a course, the speaker announced, is being worked out at the University of Chicago and is designed to be completed in three years beyond the termination of general education of the kind as offered by the College of the University of Chicago.

The *Chicago Law Institute* re-elected Russell Baker as its Librarian for the year 1953.

The British *Copyright Committee* which was appointed by the President of the Board of Trade in 1951, has rendered its Report (H. M. Stationery Office, 1952). Suggestions of the Committee include that libraries should not be given the right to copy books or major parts thereof by photographic means or otherwise if the volume is protected by copyright; only if the librarian cannot trace the copyright and there is a real need for the copy, should he be entitled to make not more than one copy for other libraries without incurring the penalties of the statute. The Report is summarized in the Appendix to the Library of Congress Information Bulletin of December 8, 1952.

The publication of *Current Publications in Legal and Related Fields* under the endorsement of the American Association of Law Libraries has been announced. The new publication will be compiled by Dorothy Scarborough, Katharine B. Day and Pauline A. Carleton. Recent publications of a monographic nature, with the exception of materials in foreign languages, will be listed as well as pocket parts, supplements and recompiled volumes. The listing is alphabetical by author whereas monographic literature will be continued to be listed by subject in the Law Library Journal under the title of *Current Publications.* Editorial correspondence should be addressed to Dorothy Scarborough, Northwestern University Law School Library (357 E. Chicago Avenue, Chicago, 11, Illinois). The publication is scheduled to be issued monthly except during June, July and August. Orders and business correspondence should be addressed to Fred B. Rothman & Co. (200 Canal Street, New York 13, New York). The annual subscription price is $3.75. The publication is a nonprofit library service.

Microprinting of the Sessional Papers of the *House of Commons* for the period from 1801 to 1900 has reached the two thirds mark and work on a Breviate of Parliamentary Papers for the period from 1835 to 1939 is in progress. The *Breviate* is intended to connect with Hansard's Catalogue and Breviate which covers the period from 1696 to 1834. Details concerning these projects are reported by Edgar L. Erickson in 78 Library Journal 13 (1953).

The publication of an index to *House of Commons* papers covering the House of Common Papers, Bills and Command Papers from 1900 to 1950 will be undertaken by H. M. Stationery Office in London at the approximate cost of £ 10.10 ($29.40) per copy if the Director of Publications (Atlantic House, Holborn Viaduct, London E. C. 1) receives a sufficient number of indications of prospective purchases.

The *Kern County Law Library* has moved into new quarters pending the construction of a court house. The new address is 1672 K Street, Bakersfield, California.

The services rendered by the *Legislative Reference Service* of the *Library of Congress* to members of Congress and congressional committees are described by Roy W. Schlinkert in 78 Library Journal 9 (1953). Congressional inquiries totalled 36,000 in 1950 and were answered by senior specialists who are employed at the "highest salary levels in U. S. Civil Service classifications." The Library Services Section maintains vertical filing collections with some 200,000 clippings and a card index to the Service's 20,000 reports.

The *Library of Congress* has announced a plan under which printed catalog cards will be available at the same time when the books are released for sale. This plan has been worked out in cooperation with the American Book Publishers Council and is based on the assumption that publishers will send a copy of each new book to the Library of Congress as soon as bound copies are available.

These books will be cataloged as soon as received, but will be withheld from circulation until their publication dates.

The disastrous fire of the *Library of the Canadian Parliament* has resulted in plans for the fireproofing of its quarters. The Library will be closed in spring while the repairs are made. An article on the efforts to salvage the water-damaged books of the Library was published in the November issue of the Canadian Library Association Bulletin.

In *Lighting Libraries* (77 Library Journal, 2125, 1952) H. L. Logan emphasizes that different amounts of light are needed in different parts of a library. Whereas only 10 footcandles are required in a smoking room, 30 footcandles are needed in the catalog department and 50 in the reading room.

A *List of Materials on Oil and Gas in the Louisiana State University Libraries* containing 766 items has been compiled by Kate Wallach (Baton Rouge, Louisiana State University, 1953).

The *Mid-European Law Project* was established at the Law Library of the Library of Congress in the fall of 1949 with funds supplied by the National Committee for a Free Europe, Inc. The Project is under the administration of Dr. Luther H. Evans, Librarian of Congress, and Dr. W. Lawrence Keitt, Law Librarian of the Library of Congress, and is under the supervision and editorship of Dr. Vladimir Gsovski, Chief of the Foreign Law Section, assisted by Edmund C. Jann. The staff of the Project is composed of lawyers from Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Yugoslavia, Estonia, Latvia, and Lithuania, who are refugees from their native lands. The general purpose of the project is to ascertain through study of authentic and primary sources—such as constitutions, laws, decrees, and other official materials—the current conditions in those countries now under the influence of the Communist ideology. It is believed that the publication of the studies and translations prepared by the Project will provide the general public as well as the Government with the basis for a more realistic evaluation of the legal, political, economic, and social order in those countries. The following studies by the Project are available in multilith form or are in press:

1. Economic Treaties and Agreements of the Soviet Block in Eastern Europe, 1945-1951. 2d ed., 1952.
2. Forced Labor and Confinement Without Trial (in six parts: Bulgaria, Czechoslovakia, Hungary, Poland, Romania and Yugoslavia), 1952.
3. Translation of Decree No. 95 of the President of the Czechoslovak Republic, October 20, 1945, Concerning the Registration of Deposits, Securities, and Insurance Policies, 1952.
4. Translation of Yugoslav Law No. 391 of July 2, 1950, Concerning Management of Governmental Enterprises, 1952.
5. Translation of Yugoslav Laws on Agrarian Reform and Colo-

nization (Decree No. 25 of November 21, 1944, and Law No. 605 of August 23, 1945, as amended by Laws of March 18, 1948 and November 26, 1947), 1952.
6. Church and State, in press.
7. Nationality Legislation (Citizenship), in press.

The *Midwest Inter-Library Center* in Chicago acquired more than 300,000 volumes of books and periodicals and 12,693 volumes of newspapers from its fifteen member libraries during the first year of its operation as a cooperative storage and loan center. As a part of its program, the Center combines fragmentary holdings of membership libraries into complete volumes and sets. The largest part of the collection at the Center is in the field of state documents.

The *National Commission on Accrediting* has been established under the sponsorship of several college and university associations. The Commission desires that the Board on Education for Librarianship of the American Library Association will no longer be recognized as an accrediting body and the Commission intends to assume the accreditation of library schools in January 1954. Under the Commission's plan, twelve professional associations would continue and seven associations would cease their accrediting activities. The Joint Committee on Library Education has stated its disapproval of this proposal and is in favor of a rejuvenation and reorganization of the Board on Education for Librarianship.

A survey of the cataloging at the *New York Public Library* by management engineers resulted in seventy-five suggestions for administrative reorganization which caused an increase of cataloged titles from 76,341 to 90,736 during the 1951-52 budget year (College and Research Libraries, January, 1953).

N. V. Martinus Nijhoff's Boekhandel en Uitgeversmaatschappij is celebrating its centennial jubilee. The firm was founded in 1853 as a publishing house and international book shop and is continued under the founder's grandson, Wouter Nijhoff.

Northwestern University Law School Library has announced the discontinuance of *Current Legal Problems* because of the appearance of *Current Publications in Legal and Related Fields.* However, *Selection of Foreign Legal Publications Recently Acquired* which was previously issued as an appendix to *Current Legal Publications,* will be distributed six times a year to a selected group of interested libraries as a separate publication of this Library.

The *Ohio Association of Law Libraries* met at Columbus on November 14 and 15. Evelyn G. DeWitt spoke on *Administration of a Law Firm Library* and Pauline A. Carleton summarized cataloging policies and procedures. Ervin H. Pollack addressed a dinner meeting on *What Professional Organizations Can Do For You.* A panel discussion dealt with *Law Library Management.* The *Exemption of Law Library Associations* was the title of a paper by Arthur W. Fiske, and Doris R. Fenneberg spoke on

book care and preservation. The new officers of the Association are Robert A. Mace, *President;* Thomas R. Buker, *Vice-President;* Helen L. Garee, *Secretary* and Helen Foley, *Treasurer.* The next meeting of the Association is planned for May and an institute is in the offing for September, 1953.

Subscriptions for the projected *Rutgers Law Center* are being solicited. The Law Center is expected to cost $1,500,000. As the first step in the establishment of the Center, a law library of 100,000 volumes is planned. The creation of a home of the legal profession in New Jersey is a companion project.

Novel ideas for *stack lighting* are advanced by Chester Lewis in 78 Library Journal 45 (1953). The author reports the use of overhead ducts on which bullet-type reflector lamps move by way of trolleys or roller plugs. The reflector lamps can be adjusted to every shelf level and can be rotated almost 360 degrees.

The report of William R. Roalfe, Librarian of the Northwestern University Law School Library, on his survey of the non-law school libraries for the *Survey of the Legal Profession* will be published by the West Publishing Company under the title *The Libraries of the Legal Profession.* Mr. Roalfe's inquiry embraces 501 law libraries located in every state in the Union and the District of Columbia most of which fall into one of the following types: law office and company libraries, county law libraries, state law libraries, state court libraries, federal court libraries, federal departmental and administrative agency libraries, and association libraries. While each type receives a brief separate consideration most of the information secured has ben assembled and is discussed in a general introductory chapter and in separate chapters concerned with each of the following: the collection; quarters, furniture and equipment; personnel; service; cooperation between libraries; and cooperation through organized groups. A complete list of the separate reports that have been prepared for the Survey of the Legal Profession, many of which were published only in periodicals, will appear in an appendix which will serve as a convenient key to the places in which they may be found.

Pointers on *Travel Costs and Clothing Needed for ALA in June* by Riva T. Bresler in the March issue of the ALA Bulletin may be of interest to those who consider attending the Annual Meeting of the American Association of Law Libraries in Los Angeles in July. Mimeographed materials containing travel information have been sent to all members of the American Association of Law Libraries. Questions not answered therein may be directed to the Chairman of the Local Arrangements Committe, 703 Hall of Records, Los Angeles 12, California.

The creation of the *Trust Territory of the Pacific Islands* which the United States acquired in 1947 pursuant to a trusteeship agreement with the United Nations, has caused the introduction of American legal principles in the Marshall Islands, the

Carolines and the Marianas with the exception of Guam. Legislative measures are found in the *Interim Regulations* which are issued by the High Commissioner who was appointed by the Secretary of the Interior. Detailed bibliographical data are given in a Note on *Customs, Codes and Courts in Micronesia,* 5 Stanford Law Review 46 (1952).

The Code of the *Trust Territory of the Pacific Islands* is available from the High Commissioner of the Trust Territory (3845 Kilauea Avenue, Honolulu 16, Hawaii) for a charge of $3.50.

According to *Tulane College of Law: Annual Report to Alumni and Friends,* 27 Tulane Law Review 76 (1952) the Tulane College of Law Library added some 1,500 volumes to its collection during the past year. Recent acquisitions of the Library reflect the interest of Louisiana lawyers in the civil law of Scotland as both the law of Louisiana and that of Scotland possess "a background of civil law overlaid by common law influences." The Library budget has been increased substantially and the strengthening of the international, Argentine and Brazilean collections is in progress.

The *University of Nebraska College of Law Library* should be added to the libraries listed in the *Directory of Interlibrary Loan Facilities of Law Libraries* which was published in the February issue. The Library is willing to make loans to law libraries and attorneys, but not for student use. Textbooks will be loaned, but not rare books and unbound briefs. Books will be sent by book post or express at the expense of the borrower.

The *University of Virginia Law Library* held ceremonies for the commemoration of the presentation of the 100,000th volume to its collection on February 10, 1953. In presenting *Adventure in Ideas* by Alfred North Whitehead, Justice Stanley Reed of the Supreme Court of the United States stated that the education of a lawyer should not be limited to the study of law.

The School of Library Science of *Western Reserve University* has announced a workshop for library administrators on Management Research in Library Administration. The workshop is to be held from July 6 to 24.

THE HASTINGS COLLEGE OF LAW HAS A NEW HOME

On March 2, 1953 the Hastings College of Law moved to its first permanent building at Hyde and McAllister Streets in San Francisco.

On March 25 and 26 the dedication and open house took place, marking the 75th Anniversary of the oldest law school in the West. The School was established by an act of the Legislature of the State of California on March 26, 1872. It was endowed by Seranus Clinton Hastings, the first Chief Justice of the Supreme Court of California and named for him. In 1885 Charles W. Slack, of the second graduating class, joined the faculty, and it is after him that the Library is named to which he left his collection of books.

The Library occupies the entire third floor of the modernistic $1,750,000 building. There are two reading rooms which will seat 220 students. The present stack space will hold 50,000 books and an upper deck will house 50,000 more. The collection consists of approximately 30,000 volumes at this time. The large reading room is finished in light wood and is artificially lighted throughout. The smaller reading room is finished in dull green and has large windows facing McAllister Street and the Civic Center. There is a browsing room named after Alfred Sutro. The room is financed both for books and furniture by Mrs. Sutro and several attorneys.

The Hastings College of Law is not only famous for being the oldest law school in the West, but also for its famous "65—Club". The club was inaugurated in 1940 by Dean David E. Snodgrass. It is composed of famous professors who have retired from their various schools. Famous men such as Orrin K. MacMurray, Arthur M. Cathcart, Edward S. Thurston, Chester G. Vernier, Ernest G. Lorenzen, Max Radin and Oliver L. McCaskill have been members. At the present time Lawrence Vold, A. Brooks Cox, George G. Bogert, Everett Fraser, James P. McBaine and John Barker Waite are on the faculty.

The Hastings College of Law and its Librarian will welcome any visitors who come to San Francisco before or after the annual meeting in Los Angeles.

HAZEL REED

THE 1952 A.A.L.S. ANNUAL MEETING

Those attending the 1952 Annual Meeting of the Association of American Law Schools found a number of items of interest to librarians on the agenda. Of particular significance to law school librarians was the action of the Association accepting the Report of the Special Committee on Revision of Library Standards[1]. By its action the Association for the first time included in its Standards a statement recognizing the law library as "an integral and essential part of the educational process of the law school"[2] and raised the minimum book requirement for the first time since the present 10,000 volume minimum became effective in 1932. The Report to some extent, offered a compromise between the existing Standards and those proposed by a similar committee in 1951 under the Chairmanship of Dean Benjamin F. Boyer.

I

As the 1952 Committee Report points out, the majority of the Boyer Committee recommendations were included in the current Report, the principal differences being in regard to faculty status for librarians, assistance for the librarian, the minimum

1. For the text of the Report see Association of American Law Schools, *Program and Reports of Committees* (1952) p. 101, 104. Minor changes made by the Committee after the *Program* was printed will appear in the 1952 *Handbook* of the Association.

2. The American Bar Association included in its Standards a statement relative to the importance of the law library in legal education a number of years ago. *Standards of the American Bar Association for Legal Education*, 6, sec. IV (1940).

amount to be spent annually for the development of the book collection and the dates upon which the Standards become effective.

Although the new Standards, effective except for those provisions relating to seating capacity and table space on September 15, 1955, are not as sweeping in their changes as many may have wished, they are substantially stronger than those in effect at present. Among other things, the minimum book requirement for member schools has been increased from 10,000 to 20,000 volumes and the minimum annual expenditure for books from $3,000 to $4,000 plus an additional proportionate amount based upon the size of the student body for those schools having an enrollment of over 100 students. Section III-2 includes a statement that it is preferable that the librarian be a member of the law school faculty, and a need for some professional and clerical assistance for the librarian is recognized.

The section on Housing and Equipment reflects, for the most part, provisions already in effect by reason of the present Standards and interpretations. However, the seating accommodation figure has been raised to 40 percent of the daytime student body and, in addition, the section recognizes that evening part-time students may outnumber daytime enrollment, in which case the larger number forms the base of calculation. This section, also, calls for a card-index catalog and adequate work space for the library staff.

The list of required publications provides for a number of new items including, in part, several Shepard's *Citations, The American Law Reports,* the *Code of Federal Regulations* and the *Federal Register.* The *United States Code Annotated* with the *Congressional Service* has been substituted for the *United States Code* and there is a more specific designation of digests, encyclopedias and dictionaries. In addition, a general legal digest or encyclopedia and the statutes of England will be required. The periodicals requirement is set forth in terms of volumes rather than complete sets, and provision is made for the *Index to Legal Periodicals* and the Restatements, as well as text, form and practice books.

Also accepted by the Association was the Committee's recommendation that a special committee be established in order to "formulate (1) recommendations for applicant schools as to the minimum essential items for a 20,000 volume library for a small school (less than 100 students); (2) recommend additional basic items for a 30,000 volume library for a small school; (3) recommend duplications for a school with 100-200 students, with 200-400 students, and over 400 students." Erwin C. Surrency has been appointed chairman of this Committee.

II

For librarians interested in a new approach to teaching the use of the Library, the Round Table on Educational Films' program included a discussion of the use of films and slides as a means of teaching Legal Bibliography, the slides exhibited having been prepared by the University of

Kansas City Law School. It was also announced at this meeting that Indiana University Law School has been chosen to serve as the A.A.L.S. National Audio-Visual center.

III

The Report of the Joint Committee on Cooperation between the A.A.L.L. and A.A.L.S. to the Association of American Law Schools emphasizes the need for a bibliography of American law,[3] and during the year the Committee has considered a number of policy and procedure questions pertinent to preparing and publishing such a bibliography. Because of its major importance, the project provided the basis of a Round Table program on *A Bibliography of American Law: Problems Relating to a Conceptual Classification of Law* with Professor J. Willard Hurst, a member of the Committee, presiding. Addresses on *The Nature and Tentative Scope of the Project* and *Some Basic Questions Regarding Legal Classification for Professional and Scientific Purposes* by Professors Ervin H. Pollack, Chairman of the Joint Committee, and Jerome Hall, respectively, were followed by a discussion in which Professors David F. Cavers, Lon L. Fuller, Myres S. MacDougal and Max Rheinstein took part.

Following this Round Table approximately twenty-five members of the Association of Law Libraries met together for a dinner and social hour which had been arranged by the Chicago and Area Chapter.

BERNITA J. DAVIES

3. Association of American Law Schools, *op cit.*, p. 65.

MEMBERSHIP NEWS

Compiled by

FRANCES FARMER, *Librarian*

University of Virginia Law Library

ROBERT F. DILLEY, Librarian of the Wilkes-Barre Law and Library Association since 1936, has recently joined the Association. Mr. Dilley writes that "in addition to serving as librarian for our Association (which is the fourth oldest local bar association in the United States) I am also its present secretary and editor of its weekly publication, the *Luzerne Legal Register*." Mr. Dilley holds an LL.B. degree from the Dickinson School of Law and practiced for a while before entering library work.

CLAYTON ROBERT GIBBS, Assistant Chief, Law Branch, The Army Library, another new member, assumed his present post in April 1952, having transferred from the Library of Congress where he had been employed for twenty-three years, first in the Legislative Reference Service and later in the Reading Room Service, and still later as chief indexer and digester of State Laws and Attorney-advisor in the American Law Section. Mr. Gibbs received his LL.B. degree from Southeastern University.

MISS VIRGINIA L. LAKE, who has been serving for the past two years as Librarian of the Licking County Law Library Association, has become a new member. She attended Indiana University and Littleford-Nelson Business School in Cincinnati, Ohio.

Other new individual members are MISS MILDRED RUSSELL, Law Branch, Army Library, 4204 36th Street, South, Arlington, Virginia, and MULFORD WINSOR, Arizona Department of Library and Archives, Phoenix, Arizona.

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Institutional membership has been entered for the BROOKLYN LAW SCHOOL, with Mrs. Lucie S. Jurow, already a member of the Association, and Mrs. Rose Fagan being designated as staff members.

The UNIVERSITY OF BALTIMORE LAW LIBRARY has become an institutional member. Jed H. Taylor, the Librarian, who is in charge of the general library as well, holds a B.S. degree in Business from Syracuse University, a B.S.L.S. from Columbia, and an A.M. from Boston University. Mr. Taylor has served as Army Librarian for New England, Associate Librarian of Suffolk University in Boston and Technical Assistant in the Institute of Local and State Government at the University of Pennsylvania. Miss Nancy Weaver has been designated as a second staff member at the University of Baltimore Law Library.

The UNIVERSITY OF NEBRASKA has recently become an institutional member. Miss Elizabeth Holt who has become Law Librarian there has been a member of the Association for a number of years.

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Two new associate members are LEONARD SAUL BLONDES, 4817 North Capitol Street, N. W., Washington, D. C., and GEORGE JAY JOSEPH, of the Jefferson Law Book Company, 1025 Vermont Avenue, N. W., Washington 5, D.C.

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Changes which have taken place among staff personnel of institutional members are as follows:

HOWARD M. ADAMS has joined the staff of the Minnesota State Library.

MRS. DELL D. SCHOLZ has replaced Miss Edith Lafrantz at the Louisiana State University Law Library.

MRS. DORIS A. WHEELER has replaced Mrs. Norma Duncan at the Louisiana State University Library.

MISS LOIS E. PETERSON has been appointed Assistant Librarian of the Social Law Library in Boston. Miss Peterson formerly was Acting Librarian of the Boston University Law School and has more recently been employed at the Massachusetts State Library.

DONALD B. BLOOMFIELD has become Assistant Librarian at the New York State Law Library in Albany. He was formerly Assistant Librarian at the Social Law Library in Boston.

MISS RUTH E. QUINLAN has recently become an assistant on the Staff of the Law Library at George Washington University.

MRS. JANET FRESCH PARIS has been appointed Head Cataloger at the University of Virginia Law Library. She assumed her duties in January. Mrs. Paris served as Head Cataloger at the Enoch Pratt Law Library for five years and as Senior Cataloger at the Library of Congress for eleven years. She holds a Bachelor's Degree in Library Science from Columbia University School of Library Service. Before coming to the University of Virginia, Mrs. Paris was in charge of a special project being conducted by the Library of Congress and the Woodrow Wilson Memorial Library for the original cataloging of the League of Nations materials and materials of the United Nations.

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President FORREST S. DRUMMOND has been selected for promotion to the grade of Commander in the Naval Reserve.

LEWIS W. MORSE, Professor of Law and Librarian of the Cornell Law School, was elected vice-president of the Order of the Coif, national honorary legal fraternity, at the last triennial convention held in Chicago on December 29, 1952. William R. Roalfe, Librarian of the Northwestern University Law School, was a member of the national executive committee during the years 1950, 1951 and 1952.

DILLARD S. GARDNER, Marshal-Librarian of the Supreme Court of North Carolina, has continued his studies on the effect of biblical think-

ing upon modern mankind. In his article on *Ancient Vision and Modern Yardstick: The Worth of the Individual,* 39 American Bar Association Journal 17 (1953), he holds out responsible individualism as one of our most treasured cultural traditions. Another article of his, entitled *Breath-Tests for Alcohol: A Sampling Study of Mechanical Evidence* was published in the February issue of the Texas Law Review.

HOWARD JAY GRAHAM, Bibliographer of the Los Angeles County Law Library, continued his studies in constitutional history with an article on *Procedure to Substance—Extra-Judicial Rise of Due Process, 1830-1860* which was published in the winter issue of the California Law Review.

ERVIN H. POLLACK is the co-author of an extensive study on the *History of Legislative Publications in Ohio* in the summer, 1952 issue of the Ohio State Law Journal.

BOOK REVIEWS

Conduct of Judges and Lawyers, by Orie L. Phillips and Philbrick McCoy. Los Angeles, Parker and Company, 1952. pp. xiii, 247. $5.00.

Chief Judge Orie L. Phillips of the United States Court of Appeals, Tenth Circuit, and Judge Philbrick McCoy of the Superior Court of Los Angeles County, California, have prepared an excellent report upon the conduct of judges and lawyers. The report is divided into the following ten headings:

I. Introduction.

This chapter contains a discussion of some of the prior writers on the subject of professional ethics which preceded the adoption of the Canons of Professional Ethics by the American Bar Association in 1908.

II. Codes of Professional and Judicial Ethics.

Under this heading the authors briefly discuss the lawyers' oath and duties, canons of professional and judicial ethics in the various states of the Union, together with a brief history leading to their adoption. It is concluded that "the profession has gone a long way during the first half of this century in discharging its obligations to society at large, through the performance of the duties which lawyers both individually and collectively, owe to the public. Some of this progress must be attributed to the adoption of the Canons of Professional and Judicial Ethics adopted by the American Bar Association and by the bar associations in the several states. * * * It would seem, however, that the time had now come to reexamine these Canons to determine whether they adequately define for the benefit of the bar and the public alike the duties which both the lawyer and the judge owe to the commonwealth."

III. Inculcation of Professional Standards.

Herein is discussed whether law schools have sufficiently instilled in their students a knowledge of the social responsibility which rests upon the legal profession. The result is reached that though law schools have to some degree met this responsibility, still there is vast room for improvement. It is likewise pointed out that there is a hiatus between the legal education afforded by the law school and the information necessary for the young lawyer to competently serve a client. It is suggested that preceptors be used to fill this gap.

IV. Determination of Character Requirements for Admission to the Bar.

This chapter deals with the requirements of character and fitness for admission to the Bar as predicated upon an applicant's knowledge of professional standards. It gives in detail requirements in various states for registration before commencing the study

of law and for the procedure followed in various states to determine the character of law students, concluding with the views:

"The most effective procedures require (a) registration when the study of law is begun; (b) the appointment by the registrant of a preceptor to guide, instruct, and advise him during his student years; (c) some period of law clerkship (by analogy to the internship of a medical student); (d) proof of good moral character and fitness both when the applicant registers as a law student and again when he applies to take the Bar examination, from sources as disinterested as possible, using, if necessary, the services of the National Conference of Bar Examiners; (e) investigation when necessary by the Examining Committee or its appointee; (f) a personal appearance by the applicant before the Committee or a member; (g) a final review and approval of the applicant's entire record by the Committee before he may take the bar examinations."

V. Observance by the Bar of Stated Professional Standards.

This is a consideration as to what extent lawyers have adhered to the various professional standards prescribed by the Canons of Professional Ethics of the American Bar Association. Results of questionnaires sent out by the committee indicate some canons have been almost universally adhered to and recognized by the various states, while a few canons have not been followed because they were not considered applicable to business and professional conditions at the present time. The authors then make specific recommendations relative to changes in and additions to the Canons of Professional Ethics, making the observation that "all the correspondents agreed that there should be much more education with respect to the accepted professional standards, and a more frequent resort to disciplinary proceedings."

VI. Disciplinary Procedures.

Starting with the premise that discipline and disbarment of lawyers is not for the purpose of punishing the attorney, but is to afford protection to the public and to the legal profession as a whole, the chapter deals essentially with disciplinary proceedings, particularly in those states, such as California, which have an integrated Bar. The chapter is replete with statistics relative to disciplinary actions and disbarment in various states. It likewise deals with reinstatement proceedings.

VII. Judicial Selection and Judicial Conduct.

Methods of judicial selection in various states is considered, the conclusion being reached that the best method is one which removes the judicial officer from the field of politics and permits permanent tenure of office during competency. It is pointed out that when a lawyer becomes a judge he retains two of the three obligations which he assumed as a lawyer, to wit, his obligations to the court and to the community or society in which he resides, which obligations should never be in conflict with his own personal activities.

It is likewise stressed that judges of all courts should adhere to the Canons of Judicial Ethics adopted by the American Bar Association. The chapter concludes with a statement of the various methods of removing a judicial officer for misconduct and the cryptic conclusion of Judge McCoy that "the answers as a whole [to the Survey's Questionnaire], and the general comments in particular, indicate the healthy condition of the Bench throughout the nation, when measured by the adherence of the judges to the Canons of Judicial Ethics which formed the basis for our inquiry. Judges are human, and it is perhaps to be expected that there should be some deviations in every State. While the Committee did not take a judicial census, the impression is strong that, in proportion to the total number of judges in all states, there are relatively few who fail to adhere to their oaths of office or to faithfully discharge their judicial obligations."

VIII. The Challenge of the Press.

This is concerned with the question of trial by the press and the failure at times of certain members of the Bench and Bar to observe the Canons of Judicial Ethics in an endeavor to obtain publicity—with particular reference to Canon 20 of the Canons of Professional Ethics, which reads:

"Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond the records or papers on file in the court; but even in extreme cases it is better to avoid any *ex parte* statement."

It is recognized that the public has the right to know how their public officials are performing the duties entrusted to them, and that the press is one of the most effective methods of bringing such information to the average citizen. Various comments of newspaper men and members of the profession, relative to how the public interest is best served by publishing proceedings pending before a court, are stated, condemning, however, "trial by newspaper" which results in a party not having a fair and impartial trial. At the same time it is conceded that "the Star Chamber of the Tudors was abolished by the * * * oppressions which multiplied through the administration of justice behind closed doors. The right to a public trial is guaranteed by the Constitution as a benefit to society only in the sense that the body politic is entitled to learn through attendance upon the courts and through the newspapers that every litigant is fairly dealt with according to the law of the land."

IX. The Laymen's View of the Lawyer.

In 1940, the State Bar of California received a statistical report of a public survey of the legal profession which was as follows:

"I. How would you rank doctors, dentists, lawyers and people generally as to their:

ETHICS

	High	Average	Low	Don't Know
Doctors	60.9%	29.7%	4.7%	4.7%
Dentists	53.6	37.3	4.2	4.9
Lawyers	25.3	41.4	20.3	13.0
People generally	25.0	62.2	8.6	4.2

HONESTY

Doctors	51.1%	39.5%	5.5%	3.9%
Dentists	48.1	42.8	4.8	4.3
Lawyers	21.0	43.7	24.1	11.2
People generally	25.3	62.9	7.9	3.9"

It is evident from this report that, to say the least, the legal profession is not held in the highest esteem by other citizens in the community. In this chapter it is indicated that the findings in California are typical of the opinion of the layman throughout the United States.

X. Some Conclusions and Recommendations.

Herein the authors indicate their study leads to the conclusion that there is room for improvement in the conduct of members of the legal profession, both judges and lawyers; the standards of professional and judicial ethics should be reexamined in an effort to improve them; the inculcation of professional standards should be begun in the law school, aided by the Bar Associations; and in conclusion, that the Bench and Bar should be jealous of "their individual and collective reputations for being honest, able and public-minded," and should endeavor by legitimate means to establish a cordial public relation with the press and other means of communication, at the same time recognizing that the practice known as "trial by newspaper" should be eliminated.

The report, based upon questionnaires, some of which are included in the appendix, can be read with profit by every judge, lawyer, newspaper man and other person interested in the fair and impartial administration of justice.

MARSHALL F. McCOMB
Justice, District Court of Appeals, Second Appellate District, Division Two, State of California

Administration of Justice in Latin America, by Helen L. Clagett. New York, Oceana Publications, 1952. pp. 160. $5.00.

The current wave of interest in problems of judicial administration in the United States evidenced by the publication of Vanderbilt's *Minimum Standards* and the organization of The Institute of Judicial Administration, Inc., may lead the reader to expect more from Mrs. Clagett's brief pioneer volume than the author intended. Its title sounds more ambitious than its confessedly modest aim, which is "to act merely as bait—a challenge for some scholar to develop and treat with greater depth" the subject with which it deals.

The author is a competent scholar in her own right, as witnessed by her well-known "Guides" to the law of several important Latin-American republics. Her distinguished career as Chief of the Latin-American Law Section of the Law Library of the Library of Congress is a source of pride to the small group of United States lawyers who are actively engaged in bringing about closer relations and better understanding with their professional colleagues in the countries to the south. This book (it might better be called a monograph) is only the first necessary step in the study of judicial

administration in Latin America. It describes the structure of the judiciary as it appears in the constitutions and laws; it does not attempt to portray the judicial process as it actually operates; it does not interpret or appraise.

Within the book's limited scope and its 132 small pages of text, the task of formal description is adequately performed. A chapter is devoted to the relation of the judiciary to the rest of the government; three chapters deal with the regular and special courts and their jurisdiction; two brief chapters consider the role of the jury and of precedent; and the final chapter discusses judicial guardianship of the constitution. The utility of the volume is considerably enhanced by its selective bibliography. However, there are minor defects: for example, an obscure sentence on page 20 dealing with the legislative power to repeal unconstitutional laws and decrees, and a confused paragraph on page 119 concerning jury service for women. There are some doubtful criticisms on page 14 and 22 on the abolition of the dual court system in two of the four federal republics. The translation of technical terms occasionally will sound strange: "fixed" case law (p. 39) would be clearer as "settled" case law; "the pronouncement of sentence" (p. 42) really means "the rendering of judgement". See also such expressions as "candidates . . . of outstanding good knowledge" (p. 32), and "methods adopted to protect and repair violations to guaranteed individual rights" (p. 133). And finally, the number of typographical errors is inordinately high. Nevertheless, Mrs. Clagett has done a job which needed doing, and it is to be hoped that she will follow it up with the type of more mature study which the subject deserves.

A noteworthy fact concerning Mrs. Clagett's book is that it appears to be the only work in the English language which gives a country-by-country coverage of the judicial systems of the Latin-American republics.

Alas, however, although we are given the frame of the machinery—many wheels, cogs and spokes are missing.

This is a case where the well-qualified author might have made more use of the paste pot and shears. Mrs. Clagett gives some constitutional provisions, but there is no checklist of statutes and laws to give us source material for the organization of the courts and their procedures. There is no checklist of reports or publications of even the highest courts. The bibliography is good but would be more helpful were it annotated.

To sum up—for the researcher, the book has important, though brief, information about the courts and their jurisdiction, precedent (so different from ours), administrative bodies, jury trials and other aspects of judicial administration. Though the source material is scant, there is much enlightenment.

Those who know Mrs. Clagett will agree that, having made this start, she is the scholar who should produce the book (on the order of Willoughby's *Principles of Judicial Administration*) which would be a boon not only to students of Latin American judicial

process but to all seeking improvement in the judicial machinery.

FANNIE J. KLEIN,
MIGUEL A. DE CAPRILES
New York University School of Law

Current Law Consolidation. Vol. 1. 1947-51. General editor, John Burke. Consolidation Editor, Clifford Walsh. London, Sweet & Maxwell and Stevens and Sons, 1952. £9-9-0 ($26.40).

The sceptical reaction of some to the claim that *Current Law* contained "all the law from every source" quickly gave way, after use, to a realization that for the practitioner and academic lawyer alike, this service provided an efficient and comprehensive instrument of research. Since its appearance in 1947, *Current Law* has grown from strength to strength. It appears monthly with cumulative subject and case indexes and in an annual volume, the first five of which have now been taken apart, scrutinized, brought up-to-date and reassembled in this consolidation. The result is a well bound work of some 3,000 closely but legibly printed pages. The law stated is as of December 31, 1951, but where a case has been affirmed or reversed by a superior court up to July 31, 1952, that fact has been noted.

The statute citator in over 300 pages for English legislation, 1947-51, and Scottish, 1950-51 only, gives in one table statutes passed, statutory instruments (before 1948 known as statutory rules and orders) issued under rule-making powers, cases on construction (noted against consolidating statutes as well as original statutes), periodical literature, and statutes amended or otherwise affected by legislation.

The case citator follows comprising some 8,500 cases—those reported from 1947-51 and those judicially considered, overruled, etc., by legislation during the period, and references to relevant periodical literature. Paragraph numbers refer from the cases to the main part of the work.

The third part is the citator of subsidiary legislation, which is a list in numerical order of S.R.O.s for 1947 and Statutory Instruments for 1948-51 showing subsequent developments such as revocation, expiry, etc., as well as references to subject paragraphs. This is a fool-proof check on some 12,720 orders issued in the five years.

The main part of the work is an alphabetical sequence of nearly 200 main legal subjects containing together more than 11,000 numbered paragraphs arranged alphabetically within each subject. These main headings are supplemented by the detailed subject index at the end of the book. A small section such as *Markets and Fairs* may contain as few as seven paragraphs—three on legislation, three on cases and one on periodical literature, while negligence or landlord and tenant, on the other hand, may have up to four hundred paragraphs. The lists of relevant English law books at the end of each section classified by years and showing the sterling price are useful. The references to periodical literature are less usable, however, since although included in the case citator (in square brackets) they are not given at the paragraph where the

case is summarized. The citator admittedly refers also to the sections where periodical articles are listed, but these tend to be congested for the more important topics and would have been clearer if grouped by years as are the lists of books. Paras. 11022-25, *"Words and Phrases"*, are particularly useful and have nearly 1,300 entries.

Included are "many hundreds of references to Scottish, Irish, Canadian, Australian and New Zealand and South African decisions which are of persuasive authority on points of English law." Of course, only important cases from these other jurisdictions are given, but a check of a volume of Australian and of New Zealand law reports, although showing only 12-15% of cases included, revealed a high standard of selectivity. Cases are also given from county courts (not normally reported) on matters where other authority is lacking.

This consolidation can be warmly recommended to all American law librarians as providing a comprehensive and indispensable instrument of research for English law. Considering its size, the editorial and printing work involved, and present printing and paper costs, the price of £9-9-0 (=$26.40) although high does not seem to me excessive. I hope its wide distribution in North America will not be prejudiced by an unreasonably increased dollar price. I would like to express my personal hope that a similar consolidation will appear for the Scottish supplements which are included in the monthly and annual volumes of *Current Law*, at a small extra cost.

K. HOWARD DRAKE

Institute of Advanced Legal Studies, London.

The Treatment of the Young Delinquent, by J. Arthur Hoyles. New York, The Philosophical Library, Inc., 1952. pp. 273 incl. bibliography & indices. $4.75.

In this volume we are presented with a commendable attempt to reconcile the "spiritual" with the "scientific" approach to one of the most pressing of social problems: the problem of juvenile delinquency. Unfortunately, however, the project does not quite come off, chiefly because the author's religious orientation makes it difficult for him to take up the position of objectivity which the function of arbiter, particularly in this pressing area, demands.

So far as this reviewer is concerned, the only contribution Dr. Hoyles' book makes is to the enlightenment of the clergy: it alerts the religious-minded to the scientific and sociological aspects of criminalism, especially in the incipient stages. This is a job that has needed doing for some time, and when the author devotes himself to that specific task he shows a sure hand. When, however, he deals with the reverse of the coin; when, that is, he tries to inform us of the availability of the religious approach and its resources in the struggle against delinquency, he has little to offer beyond already-known formulations founded on the broad humanism of the churches in our time.

It is rather doubtful that this vol-

ume belongs in a law library (or, for that matter, in a lawyer's library). Its place is, instead, on the shelves of clergymen, to serve them as orientation for the guidance, in turn, of their parishioners. Moreover, as a volume it possesses certain faults in make-up. The bibliography is hardly adequate to the job undertaken and the footnote references are incomplete, naming only the author and the work, and neglecting the other relevant detail a work of this kind should provide. Finally, the price of $4.75 for a text of only 261 pages exclusive of preface, foreword, bibliography and indices seems somewhat excessive.

ROBERT LINDNER
Maryland State Board
of Correction

Private International Law, by G. C. Cheshire, Fourth Edition, Oxford, Clarendon Press, 1952. pp. 687. £2-10s. ($7.00).

The appearance of the fourth edition of this, the principal English students' textbook on conflict of laws, underlines the extent of the debt readers of English textbooks owe to the author, Dr. Cheshire. For he leads in the field of real property[1] and his joint venture (with Mr. Fifoot)[2] in that of contracts bids fair to oust the classical works of Anson and Pollock. No textbook writer excels him in clarity of expression or skill of arrangement. And, as respects conflicts in particular, none can deny the distinction and originality of Dr. Cheshire's contribution. This has received due appreciation as each successive edition has appeared. The writer does not presume to gild the lily in this connection. But he is moved by his current experience as an English teacher in an American law school to think aloud on a question of method. Dean Griswold has pointed out that English writers do not appear to understand the purpose of case books: they tend to regard them as no more than handy collections of otherwise scattered reports.[3] If that be the case—and it is difficult to deny it—they ought, one would think, to understand textbook writing better. It might seem so. And here it is not without significance that Dr. Cheshire's conflicts text has twenty more pages, and larger pages at that, than Judge Goodrich's,[4] and in excess of two hundred more than Professor Stumberg's.[5] What is even more remarkable, considering that he is dealing mainly with a single jurisdiction, is that Dr. Cheshire needs thirty-two pages merely for his Table of Cases: Judge Goodrich requires only forty-one—admittedly with double columns. But if the textbook is thus the English casebook, what is to be said of the corporative influence of casebooks and textbooks on the minds of students? Dr. Cheshire is frank and disarming in the way he changes his mind. He characteristically says in the Preface to this edition "The problem of classification has lost its terrors so far as I am concerned. This happy, though probably tran-

1. *Modern Real Property*, 6th ed., 1949.
2. Cheshire & Fifoot, *Law of Contract*, 3d ed., 1952.
3. 5 *Journal of Legal Education* 139, 148-151 (1952).
4. *Handbook of the Conflict of Laws*, 3d ed., 1941.
5. *Principles of Conflict of Laws*, 2d ed., 1951.

sient, state of mind has enabled me to offer a shorter and simpler explanation . . . [than theretofore]."[6] Despite this particular amendment, the book still contains a great deal that does not commend universal support. This writer would not wish here to take up the cudgels with the learned author on any particular point, nor would he deny Dr. Cheshire's persuasiveness. But he is moved to wonder whether a book which will be regarded as *ratio scripta* by the student, whether Dr. Cheshire wishes it—as he presumably does—or not, should not underline more often that others in many places have not yet seen the light. The question comes to the mind in connection with the work because of the very eminence of the author. But it is a many-sided one and another aspect of it which is of great interest is that of the propriety of re-editing a classical work and putting new words into the mouths of the great dead. For shall we advise the English student to read, if not Cheshire, Dicey[7]—not a textbook but a species of Restatement? If we do so, are we not conducing to equal error in view of the way in which Dicey has changed out of all recognition since the author's death?

C. PARRY
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Political and Civil Rights in the United States, by Thomas I. Emerson and David Haber, with a Foreword by Robert M. Hutchins. Buffalo, Dennis & Co., Inc., 1952. pp. xx, 1072. $7.50.

The Casebook on Political and Civil Rights in the United States by Professors Emerson and Haber of the Yale University School of Law constitutes a publication of novel impression, being the first comprehensive effort to cover the field by the case method. The book is not only of first impression; it is extremely timely and may be said to furnish adequate instructional material on a subject which, by reason of the world-wide tension consequent upon the struggle between communism and the free world, is the most important subject in the law today. The materials selected include decisions, relevant state and federal statutes, and excerpts from articles, treatises, and comments made by economists, journalists, politicians and philosophers, in an effort to throw into bold relief, all angles of each specific civil rights problem. The over-all coverage of the subject matter presented in the 1172 pages of text, is exceedingly broad, though not all-inclusive. More emphasis might have been placed on certain phases of civil rights, such as search and seizure, but after all, this is a matter of individual judgment, and in no way detracts from the excellence of the materials, which have been carefully selected and arranged with a view of presenting the various issues as to civil and political rights in terms of the specific problem involved, as opposed to their bearing upon a given legal doctrine. In addition the work is characterized by a series of short, succinct notes at the end of each case or section, which notes develop comprehensively those problems related to the main problem suggested by the case under discussion

6. P. v.
7. *Dicey's Conflict of Laws,* 6th ed., 1949.

but which are in many instances collateral in scope. These notes are rich in references to artitcles, notes and comments in the legal literature which have relevance to the specific topic. In scope of treatment, in method of arrangement in materials selected, and in approach to a subject, which by its very nature is controversial in character even in ordinary times, the editors have given us a temperate and judicious, if not a very conservative presentation of a most difficult subject. It would seem that this group of materials should be an essential to any law library which makes any pretense of keeping abreast of the law.

ALISON REPPY
New York Law School

French Bibliographical Digest—Law, Books and Periodicals, by René David. New York, Cultural Division of the French Embassy, 1952. pp. 103. Free.

Librarians who are confronted with the task of purchasing books on a selective basis and of advising readers on where to find the best answer to a particular problem, appreciate the publication of a selective bibliography. The word bibliography has been used to denote several things. Some bibliographies are short or elaborate introductions into the history, organization and literature of a legal system. Other bibliographies are more or less exhaustive lists of publications which the bibliographer has organized after some system, such as alphabetical or chronological order, and subject or form classifications. Frequently, bibliographers have their troubles with terminology; we have seen bibliographies called *guides* to the literature of a legal system when they contained general geographical or historical summaries which were followed by textually conjointed and exhaustive bibliographical footnotes, and here we have a *bibliographical digest* which contains a commentary on books on French law which are commonly consulted by the members of the French legal profession as well as a detailed bibliographical listing of these books in the second part of the volume. Words do no matter, and *guides* and *bibliographical digests* have their well established place. For French law, we have both *guides* (Stumberg's *Guide to the Law and Legal Literature of France*) and the Bibliographical Digest under review, both of these in addition to Grandin's exhaustive bibliographical listing entitled *Bibliographie Générale des Sciences Juridiques.* Stumberg's work was published in 1931. Grandin's *Bibliographie* appeared originally in three volumes in 1926 and has been kept up to date by annual volumes which until now total 19 in number.

The French Bibliographical Digest consists of a series of booklets of which the volume on French law is the most recent. This pamphlet was prepared by Professor René David who is well known for his writings in the field of comparative law. What is more refreshing than seeing a well-qualified writer display the intellectual courage of selecting what he thinks is best and most useful in the literature on his subject? We forgive him slight discrepancies between his textual statements and the subsequent bibliography, some overly conscientious

criticism and some obvious omissions; for instance, the name of Duguit is not found in this volume. But we are gratefeul for his method of dividing French textbooks into books restating the law as it is and other treatises which state the law as it ought to be in the opinion of the learned authors, and for his avoidance of clichés which might easily result from dealing with writers with isms of one kind or another.

The French Bibliographical Digest is edited and published by the Cultural Division of the French Embassy in the United States. I believe that this sponsorship will invite criticism of those who would like to see scholarly works edited only by scholars and scholarly organizations. This criticism may be somewhat cushioned by the fact that the French Bibliographical Digest lists an imposing array of renowned scholars as advisers. In any event, the contents of this bibliography assures us that French legal research of the present time continues its heritage of independent and profound investigation and interest in logic, historical developments and in the social demands of the time.

WILLIAM B. STERN

CHECKLIST OF CURRENT STATE AND FEDERAL PUBLICATIONS

Revised to March 15, 1953

Compiled by WILLIAM D. MURPHY

PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
ALABAMA		
Reports	West Pub. Co.	257
App. Reports	West Pub. Co.	35
Code Ann.	Secretary of State	1940, 10v.; 1951 P. P.
Session Laws.....odd years	Secretary of State	1950-51, 2v.
Atty. Gen. Rpts. & Op. quarterly	Attorney General	68 (July-Sept., 1952)
ALASKA		
Reports	West Pub. Co.	13
Compiled Laws Ann.	Bancroft-Whitney Co.	1949, 3v.
Session Laws.....odd years	Secretary of Territory	1951
Atty. Gen. Rpts. & Op. biennial	Attorney General	1947-48
ARIZONA		
Reports	West Pub. Co.	73**
Code Ann.	Bobbs-Merrill Co.	1939, 6v.; 1952 Supp., 1v.
Session Laws.....annual	Secretary of State	1952
Atty. Gen. Rpts.....biennial	Attorney General	1937-38
ARKANSAS		
Reports	Secretary of State	219
Statutes Unann.	Secretary of State	1947, 2v.; 1951 Supp., 1v.
Statutes Ann.	Bobbs-Merrill Co.	1947, 8v.; 1951 P. P.
Session Laws.....odd years	Secretary of State	1951
Atty. Gen. Rpts. & Op. biennial	Attorney General	1941-43
CALIFORNIA		
*Reports	Bancroft-Whitney Co., Advance parts, Recorder Printing & Pub. Co.	38 (2d)
*App. Reports	Bancroft-Whitney Co., Advance parts, Recorder Printing & Pub. Co.	112 (2d)

* Advance parts available.
**Last volume available; current reports available only in Pacific Reporter.

PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
CALIFORNIA—Continued		
Deering's Codes	Bancroft-Whitney Co.	
Agricultural Ann., 1950; 1951 P. P. Bus. & Prof. Ann., 2v., 1951; 1951 P. P. Civil, 1949; 1951 P. P. Ann. to Civil, 2v., 1950; 1952 P. P. Civil Procedure & Probate, 1949; 1951 P. P. Ann. to Civil Procedure, 2v., 1950; 1952 P. P. Civil Procedure (Evidence) Ann., 1946; 1951 P. P. Corporations Ann., 1948; 1951 P. P. Education Ann., 3v., 1952 Elections, 1945; 1951 P. P. Financial Ann., 1951 Fish & Game, 1944; 1951 P. P. General Laws, 3v., 1944; 1949 P. P.; 1951 Pam. Supp. Government Ann., 4v., 1951	Harbors & Navigation, 1944; 1951 P. P. Health & Safety Ann., 2v., 1952 Insurance Ann., 2v., 1950; 1951 P. P. Labor, 1943; 1951 P. P. Military & Veterans, 1943; 1951 P. P. Penal, 1949; 1951 P. P. Ann. to Penal, 2v., 1951; 1952 P. P. Probate Ann., 1944; 1951 P. P. Public Resources, 1944; 1951 P. P. Public Utilities Ann., 1951 Revenue & Taxation, 3v., 1952 Streets & Highways, 1945; 1951 P. P. Vehicle Ann., 1948; 1951 P. P. Water, 1945; 1949 P. P.; 1951 Pam. Supp. Welfare & Institutions Ann., 1952	
Session Laws.....annual	Secretary of State.....	1951, 2v.
Dept. of Justice Rpts. biennial	Attorney General.....	1948-50
*Atty. Gen. Op. ..semi-annual	Hanna Legal Pub. Co., Albany....	20 (July-Dec., 1952)
Judicial Council Rpts.	State Library.....	13 (1950)
Administrative Code	State Printing Office.....	1945, 11v. (loose-leaf)
Administrative Register (keeps Ad. Code up-to-date)	State Printing Office.....	Vol. 53, No. 2
CANAL ZONE		
Reports	Executive Secretary, Panama Canal Balboa Heights, C. Z.....	3
Code	Out of print.....	1934, 1v.
Supplement	Chief of Office, Panama Canal, Washington, D. C.....	Temp. Supp. No. 9, 1950
COLORADO		
Reports	A. B. Hirschfeld Press, Denver....	124
Statutes Ann	Bradford-Robinson Printing Co., Denver.....	1935, 7v.; 1953 P. P. (New Code in Preparation)
Session Laws.....annual	Secretary of State.....	1952
Atty. Gen. Rpts. & Op. biennial	State Library.....	1949-50
CONNECTICUT		
*Reports	E. E. Dissell & Co., Hartford.....	138
*Conn. Supp.	State Editor.....	17
General Statutes	Secretary of State.....	1949, 4v.; 1951 Supp.

* Advance parts available.

PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
CONNECTICUT—Continued		
Special Acts.....odd years	Secretary of State.....	1951
Atty. Gen. Rpts. & Op. biennial	Attorney General.....	25 (1947-48)
Judicial Council Rpts. . . .	State Library.....	13 (1952)
Departmental Regulations . .	State Editor.....	1945, 1v. (loose-leaf)
DELAWARE		
Reports..... . . .	State Library.....	45
Chancery Reports.. . . .	State Library.....	31
Revised Code..... . . .	State Library.....	1935, 1v.
Session Laws.....odd years	State Library.....	1951
DISTRICT OF COLUMBIA		
U. S. Court of Appeals (D.C.)	West Pub. Co.....	90
Acts Affecting D.C. . . .	John Byrne & Co.....	46
Code Ann..... . . .	Government Printing Office.....	1951, 2v.; Supp. No. 1, 1951
FLORIDA		
Florida Cases..... . . .	West Pub. Co.....	54-57 So. 2d
Florida Supp..... . . .	South Pub. Co., Miami.....	2
Statutes..... . . .	Secretary of State.....	1951, 2v.
Statutes Ann..... . . .	West Pub. Co.-Harrison Co.....	1943, 31v.; 1952 P. P.
Session Laws.....odd years	Secretary of State.....	1951, 3v.
Atty. Gen. Rpts. & Op. biennial	Attorney General.....	1949-50
GEORGIA		
*Reports..... . . .	Harrison Co.....	208
*App. Reports..... . . .	Harrison Co.....	85
Code..... . . .	Harrison Co.....	1933, 1v.
Code Ann..... . . .	Harrison Co.....	1936, 34v.; 1951 P. P.; 1952 Supp.; Recompiled Vol. 11, 1952
Session Laws.....annual	State Library.....	1952
Atty. Gen. Op.....biennial	State Library.....	1950-51
HAWAII		
*Reports..... . . .	Clerk of Supreme Court.....	38
Revised Laws..... . . .	Secretary of Territory.....	1945
Session Laws.....odd years	Secretary of Territory.....	1951
Atty. Gen. Op..... . . .	Attorney General.....	1933-39

* Advance parts available.

PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
IDAHO		
Reports	West Pub. Co.	72
Code Ann.	Bobbs-Merrill Co.	1947, 12v.; 1951 P.P.
Session Laws.....odd years	York Printing Co., Boise	1951
Atty. Gen. Rpts. & Op. biennial	Attorney General	29 (1947-48)
ILLINOIS		
*Reports	Edwin H. Cooke, Bloomington	412
*App. Reports	Callaghan & Co.	347
Court of Claims Reports	Court of Claims, Springfield	20
Revised Statutes	Burdette Smith Co.	1951, 2v. (State Bar ed.)
Smith-Hurd Statutes Ann.	West Pub. Co.—Burdette Smith Co.	1941, 43v.; 1952 P. P.; Feb., 1953, Pam. Supp.; Recompiled Vols., Chaps. 123-132 (2v.), 1953
Jones Statutes Ann.	Callaghan & Co.	1934, 30v.; 1934-49 Supp., 6v.; 1951 P. P.; Feb., 1953, Pam. Supp.
Session Laws.....odd years	Secretary of State	1951
Atty. Gen. Rpts. & Op. biennial	Attorney General	1949-50
Atty. Gen. Op.....annual	Attorney General	1951
INDIANA		
Reports	Supreme Court Reporter	230
App. Reports	Supreme Court Reporter	122
Burns Statutes Ann.	Bobbs-Merrill Co.	1933, 20v.; 1951 P. P.
Session Laws.....odd years	Secretary of State	1951, 2v.
*Atty. Gen. Op.....annual	Attorney General	1951
Judicial Council Rpts.	Judicial Council, Ind. Univ. Law School, Bloomington	8 (1950)
Administrative Rules and Regulations	Secretary of State	1947, 2v.; 1952 Supp.
IOWA		
Reports	Superintendent of Printing	242
Code	Superintendent of Printing	1950, 3v.; Code Annotations, Vol. 4, No. 3, 1952

* Advance parts available.

PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
IOWA—Continued		
Code Ann. . . .	West Pub. Co. . . .	1949, 60v.; 1952 P. P.; Supp. Feb. 1953
Session Laws. . . . odd years	Superintendent of Printing. . . .	1951
Atty. Gen. Rpts. & Op. biennial	Superintendent of Printing. . . .	1952
Departmental Rules . . .	Superintendent of Printing. . . .	1952 (1v.)
KANSAS		
*Reports. . . .	State Library. . . .	171
General Statutes Ann. . . .	Secretary of State. . . .	1949; 1951 Supp.
Session Laws. . . . odd years	Secretary of State. . . .	1951
Atty. Gen. Rpts. . . . biennial	Attorney General. . . .	1949-50
Judicial Council Bulletin quarterly	Judicial Council, Topeka. . . .	4 (1952)
KENTUCKY		
Kentucky Decisions . . .	West Pub. Co. . . .	248-251 SW 2d
Revised Statutes.	Statute Revision Commission. . . .	1948; 1950 Supp.
		1944 Ann., 1951 Supp.
Baldwin's Revised Statutes .	Banks-Baldwin. . . .	1942, 1v.; 1952 Supp.
Session Laws. . . . even years	State Library. . . .	1952
Judicial Council Rpts. . . .	Court of Appeals, Frankfort. . . .	11 (1950)
Administrative Code . . .	Codification Board. . . .	1951
LOUISIANA		
Reports. . . .	West Pub. Co. . . .	220
Revised Statutes.	Secretary of State. . . .	1950, 7v.; 1951 P. P.
West's Statutes Ann. . . .	West Pub. Co. . . .	1951, 46v.; 1952 P. P.
Dart's Gen. Statutes . . .	Bobbs-Merrill Co. . . .	1932, 12v.; 1951 P. P.
Session Laws. . . . even years	Secretary of State. . . .	1952
Atty. Gen. Rpts. & Op. biennial	Attorney General. . . .	1948-50
Atty. Gen. Statistical Rpt. biennial	Attorney General. . . .	1948-50
Criminal Statistical Rpt. semi-annual	Attorney General. . . .	July-Dec., 1951
MAINE		
*Reports. . . .	Southworth Anthoensen Press, Portland. . . .	145
Revised Statutes.	Department of State. . . .	1944, 2v.
Session Laws. . . . odd years	Legislative Research Committee. . . .	1951
Atty. Gen. Rpts. & Op. . .	Attorney General. . . .	1949-50

* Advance parts available.

PUBLICATION	SOURCE	LATEST VOL. TO APPEAR
MARYLAND		
*Reports	George W. King Printing Co., Baltimore	194
Code Ann.	Dept. of Legislative Reference, Baltimore	1951, 3v.
Session Laws.....annual	State Library	1952
Atty. Gen. Rpts. & Op. annual	Attorney General	1951
MASSACHUSETTS		
*Reports	Wright & Potter Printing Co., Boston	327
Massachusetts Decisions	Boston Law Book Co.	104-107 NE 2d
App. Decisions	Wilson-Hill Co., Boston	3
General Laws	Secretary of Commonwealth	1932, 3v.
Ann. Laws	Lawyers Co-op. Pub. Co.-Michie Co.	1933, 14v.; 1952 P. P.
Session Laws.....annual	Secretary of Commonwealth	1951; 1952 Pam. ed.
Atty. Gen. Rpts. & Op. annual	Secretary of Commonwealth	1949-50
Judicial Council Rpts.	Secretary of Commonwealth	1952
MICHIGAN		
*Reports	Lawyers Co-op. Pub. Co.	333
Compiled Laws	Secretary of State	1948, 5v.; Ann., 1v.
Supplement	Mason Pub. Co., St. Paul	1948-52, 1v.; (Current loose-leaf vol.)
Statutes Ann.	Callaghan & Co.	1936, 27v.; 1951 P. P.; Current loose-leaf vol.; Recompiled Vol. 2, 1952
Session Laws.....annual	Secretary of State	1952
Atty. Gen. Rpts. & Op. biennial	Attorney General	1951-52
Judicial Council Rpts.	Judicial Council, Ann Arbor	22 (1951)
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Reports	Review Pub. Co., St. Paul	235
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Code Ann.	Harrison Co.—Lawyers Co-op. Pub. Co.	1942, 8v.; 1952 P. P.
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Vernon's Ann. Statutes	Vernon Law Book Co.	1951, 41v. (to date); 1952 P. P.
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Statutes Ann.	West Pub. Co.—Soney & Sage Co.	1939, 68v.; 1952 P. P. Recompiled Vols. 2A (46-65), 2A (66-84)
Session Laws.....annual	MacCrellish & Quigley, Trenton	1952
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*Reports	Williams Press, Albany	303
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Thompson's Laws	Edward Thompson Co.	1939, 4v.; 1939-50 Supp., 10v.
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Consolidated Laws Service	Lawyers Co-op. Pub. Co.—Baker, Voorhis	1950, 12v.; 1952 P. P.
Baldwin's Consolidated Laws Ann.	Banks-Baldwin	1938, 8v.; 1938-48 Supp., 2v.
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NEW YORK—Continued		
*McKinney's Session Law Service	Edward Thompson Co.	1952
Atty. Gen. Rpts. & Digest of Op.....annual	Dept. of Law	1951
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Judicial Council Rpts.	Williams Press, Albany	18 (1952)
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Purdon's Statutes Ann.	West Pub. Co., Geo. T. Bisel Co., Soney & Sage Co.	1938, 49v.; 1952 P. P.
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*Federal Rules Decisions	West Pub. Co.	12
Code of Federal Regulations	Government Printing Office	1949, 45v.; 1953 P. P., Titles 3, 9, 10-13, 17, 18, 49 (Pts. 71-90)
*U.S. and Canadian Aviation Rpts.	U.S. Aviation Reports, Baltimore	1951
Civil Aeronautics Board Rpts.	Government Printing Office	10
*Comptroller General Decisions	Government Printing Office	32
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*Reports	State Law Library	40 (2d)
Washington Decisions (Advance parts for Washington Reports)	Bancroft-Whitney Co.	142
Revised Code	Code Publication Committee	1951, 6v. (loose-leaf)
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Ann. to Revised Code	Bancroft-Whitney Co.	1952, 8v.
*Session Laws—odd years	State Law Library (Advance parts from Secretary of State)	1951
Atty. Gen. Rpts. & Digest of Op.—biennial	Attorney General	30 (1949-50)
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Mason's Wisconsin Ann.	Mason Pub. Co., St. Paul	Current, 1v. (loose-leaf)
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Compiled Statutes	Bobbs-Merrill Co.	1945, 5v.; 1951 P. P.
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